

**SIXTY-THIRD DAY**

(Continued)

(Tuesday, May 23, 1967)

**After Recess**

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

**Report of Standing Committee**

Senator Watson by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 680, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

**House Bills on First Reading**

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 524, to Committee on Oil and Gas.

H. B. No. 972, to Committee on Water and Conservation.

H. B. No. 1011, to Committee on Counties, Cities and Towns.

H. B. No. 1164, to Committee on Jurisprudence.

H. B. No. 1336, to Committee on Jurisprudence.

H. B. No. 1110, to Committee on Counties, Cities and Towns.

H. B. No. 1340, to Committee on Counties, Cities and Towns.

**Reports of Standing Committees**

Senator Kennard by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 808, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KENNARD, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Public Health, to which was referred H. B. No. 478, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KENNARD, Chairman.

Senator Hardeman by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 156, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Acting Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 1049, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Acting Chairman.

**Senate Resolution 700**

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mrs. Gene Hendryx, wife of Representative Gene Hendryx, and her three children; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and privileges of the floor.

The resolution was read and was adopted.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 9, Creating the Committee on Faculty Compensation.

S. C. R. No. 12, This Legislature respectfully petitions Congress of the United States to call a convention for purpose of proposing an amendment to Constitution of the United States.

H. B. No. 1351, A bill to be entitled "An Act relating to the creation, establishment, maintenance, and operation of the Rising Star Hospital District located in that part of Eastland County, Texas, within the boundaries of the Rising Star Independent School District, by authority of the State of Texas; and declaring an emergency."

H. B. No. 1356, A bill to be entitled "An Act relating to an additional class of counties that are to use jury wheels in selecting jurors; amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 1086, A bill to be entitled "An Act regulating public use of privately owned parking and driving facilities; amending Chapter 3, Title 17, Penal Code of Texas, 1925, as heretofore amended, by adding thereto a new statute to be designated Article 1350a; prescribing those acts which, if committed on certain privately owned parking or driving areas, shall constitute offenses; providing penalties; declaring such offenses to be breaches of the peace; authorizing arrest without warrant; providing for

severability; and declaring an emergency."

H. B. No. 215, A bill to be entitled "An Act amending Article 489c of the Penal Code of Texas; making it a felony to violate Article 483 of the Penal Code or possess or to carry any firearm while committing a felony, and providing a penalty therefor; making it a felony for a person convicted of, or charged with, a felony, to possess or carry a pistol away from his residence, and providing a penalty therefor; making it a felony for a habitual user of narcotic or dangerous drugs to possess or carry a weapon, described in Penal Code Article 483, away from his residence, and providing a penalty therefor; making it a felony to violate Penal Code Article 483 in a place where intoxicants are sold for on-premises consumption, and providing a penalty therefor; making it a felony to use any weapon prohibited by Article 483, or any firearm, against a law enforcement officer in performance of his duty, and providing a penalty therefor; making a misdemeanor offense under Penal Code Article 483, a lesser included offense of any offense defined in this Act; making exceptions applicable to carrying prohibited weapon on or about the person while using same in sports activities or antique weapons display and limiting those exceptions; making exception as to admissibility of oral statements which include admission or denial of possession or carrying prohibited weapons, or any firearms; repealing all laws in conflict with this Act; providing for invalidity of part of this Act; and declaring an emergency."

H. B. No. 807, A bill to be entitled "An Act relating to the cigar and tobacco products tax, and providing certain refunds; adding Article 8.32 to Chapter 8, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act concerning the taking and sale of certain oysters from the waters of the State of Texas; providing penalties; amending Article 971, Penal Code of Texas, 1925; and declaring an emergency."

H. B. No. 1008, A bill to be entitled "An Act creating the Texas Board of Private Detectives, Investigators, Pat-

rolmen, and Guards; providing for licensing of investigators, patrolmen, and guards; requiring a surety bond to be filed for a license; setting the requirements and fees for licenses; providing for denial, revocation, or suspension of licenses; providing penalties for violation of the Act; amending Article 484, Chapter 4 of the Texas Penal Code to allow licensees to carry side arms; providing a severability clause; and declaring an emergency."

H. B. No. 266, A bill to be entitled "An Act providing for the administration of family law by replacing all functioning domestic relations courts and the juvenile courts of Dallas and Harris Counties with district courts of general jurisdiction, to be called family district courts; providing for these courts' jurisdiction, terms, personnel, facilities, and administration; restructuring existing juvenile boards in certain counties and providing for the future creation and organization of juvenile boards in other counties; repealing the laws creating and providing for the replaced courts; repealing the laws providing for creation of domestic relations courts in Lubbock and Starr counties; and declaring an emergency."

H. B. No. 181, A bill to be entitled "An Act relating to the form of paper ballots and the method of marking paper ballots; amending Section 61, 62, and 63, Texas Election Code, as amended (Articles 6.05, 6.06, and 6.07, Vernon's Texas Election Code); and declaring an emergency."

Respectfully submitted,

**DOROTHY HALLMAN,**

Chief Clerk, House of Representatives

**House Bill 156 Ordered Not Printed**

On motion of Senator Wade and by unanimous consent H. B. No. 156 was ordered not printed.

#### **Senate Resolution 701**

Senator Hardeman offered the following resolution:

Whereas, "Happy" Shahan is a name which conjures visions of the Alamo, Hollywood and a Southwest Texas ranch at one and the same time; and

Whereas, To the uninitiated, these widely, divergent settings seem incongruous, but to "Happy," they are

all in a day's work, and neither history nor geography limit his boundaries of action and enterprise; and

Whereas, James T. (Happy) Shahan is a present-day, true-to-life, natural-born promoter—the like of Daniel Boone of Kentucky, Zebulon Montgomery Pike of the Rockies, and Sam Houston of Texas, all of different times and different climes, but with the same enthusiasm and dedication to their chosen homeland; and

Whereas, "Happy," and the name fits him to perfection, is the best booster any chamber of commerce could boast, and the South Texas Chamber of Commerce has the unbelievable good fortune to have him head its tourist promotion committee; his "preachment" of "advertize, publicize, make your community known," is what he practices; and

Whereas, During his seven-year tenure as Mayor of Brackettville, he originated and promoted the idea of filming movies in the colorful Southwest Texas country around his town; "Arrowhead," starring Charlton Heston and Jack Palance, was the first movie to be produced there in 1957; and

Whereas, His vision built the Alamo Village on 200 acres of his Brackettville ranch just as the fort and mission existed 130 years ago when Texans were dying and fighting for the cause of independence; and

Whereas, He caused the Alamo and other buildings to be constructed as authentic reproductions, with no false fronts or facades, and then saw them used for the John Wayne epic, "The Alamo." Since that production, the Village has been used for such films as "The Last Command," "Two Rode Together," and TV shows of Roy Rogers and Dale Evans, as well as other TV features and commercials; and

Whereas, This one-man, master Texas tourist bureau has other irons in the fire as well, and he keeps them hot. As president of the Old Spanish Trail Association he had place-mat maps, pinpointing tourist attractions, printed for use in restaurants from Jacksonville, Florida to San Diego, California; his Alamo Village attracts 150,000 tourists a year, and its historical significance and daily "shoot-outs" and "meller-drammers" make it known worldwide as one of the

Southwest's outstanding attractions; and

Whereas, Happy's latest accomplishment is singing; for years he led the throngs visiting Alamo Village in Western and special songs; then last May he accepted a wager and two days later was taping seven songs at RCA Victor studios; released last August were "Let's Shake Hands" and "Where's My Baby Tonight," both of which gained high spots on record charts for many weeks; a "Happy" album is soon to be released; and

Whereas, With all this, Happy is also a working rancher; he was president of the Texas Aberdeen Angus Association in 1949 and still "keeps in the black" ranchingwise; and

Whereas, It is the desire of the Senate of the 60th Legislature to give this outstanding Texan the official recognition he deserves; now, therefore, be it

Resolved by the Senate of the State of Texas, That by this Resolution we express appreciation to James T. (Happy) Shahan, a truly great Texan who put his faith, love and devotion for his State to work to make it a mecca for tourists and a magnet for the entertainment industry; and be it further

Resolved That the Senate of Texas in appreciation to Happy Shahan and in token of great confidence in his powers and ability, hereby names him "Ambassador Extraordinary and Plenipotentiary of Texas," and that this Resolution, under the Seal of the Senate of Texas, serve as his credentials of Office.

The resolution was read and was adopted.

#### House Concurrent Resolution 144 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 144, Recalling H. J. R. No. 37 from the Governor's Office and making certain corrections therein.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

#### Reports of Standing Committees

Senator Hightower by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 410, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to which was referred H. B. No. 522, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Senator Patman by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock to which was referred H. B. No. 1286, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

PATMAN, Chairman.

#### House Bill 522 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 522 was ordered not printed.

#### House Bill 1262 Ordered Not Printed

On motion of Senator Grover and by unanimous consent H. B. No. 1262 was ordered not printed.

#### House Bill 1323 Ordered Not Printed

On motion of Senator Grover and

by unanimous consent H. B. No. 1323 was ordered not printed.

#### House Bill 1111 Re-referred

On motion of Senator Word, and by unanimous consent, H. B. No. 1111 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

#### Senate Bill 623 on First Reading

Senator Brooks moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Creighton	Ratliff
Grover	Reagan
Hall	Schwartz
Hardeman	Wade
Harrington	Watson
Hazlewood	Word

Absent

Connally	Wilson
Strong	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senators Brooks, Cole, Grover and Jordan:

S. B. No. 623, A bill to be entitled "An Act relating to the creation of the 168th District Court and the 169th District Court in Harris County; providing for the courts' jurisdiction, terms, personnel, administration, and practice; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Senate Bill 624 on First Reading

By unanimous consent, the following local bill was introduced, read

first time and referred to the Committee indicated:

By Senator Schwartz:

S. B. No. 624, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Sweetwater Lake Municipal Utility District of Galveston County, Texas'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing provisions that its bonds are legal and authorized investments; providing for selection of a depository; adopting the ad valorem basis of taxation; providing a procedure to change its name; requiring the District to establish an office; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

#### House Bill 486 Re-referred

On motion of Senator Mauzy, and by unanimous consent, H. B. No. 486 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

#### Reports of Standing Committee

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1111, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CHRISTIE

Austin, Texas,  
May 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 775, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CHRISTIE

Austin, Texas,  
May 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 738, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
WORD  
CHRISTIE

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 255 by vote of 98 ayes, 44 noes.

The House has adopted the Conference Committee Report on H. J. R. No. 17 by a vote of 139 ayes, 3 noes.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Presentation of Portrait of Mrs. Hilda Weinert to Senate

The President recognized Senator Patman pursuant to the provisions of S. R. No. 687 and S. C. R. No. 24 previously adopted.

Senator Patman presented the following distinguished guests present on the occasion of the presentation of the portrait of Mrs. Weinert to the Senate:

Dr. and Mrs. Roland K. Blumberg,

and son, Hilmar; Mr. and Mrs. G. W. Blumberg, Sr., and son, Mr. G. W. Blumberg, Jr.; Mrs. Katie Eilers; Mr. Denmark Weinert; Rev. and Mrs. Thomas Lovett; Dr. and Mrs. William Strozier; Mr. and Mrs. J. F. Gray; Mr. and Mrs. Herman de Jori; Mr. and Mrs. Edgar Engelke; Mrs. John Connally, Speaker and Mrs. Ben Barnes and Representative Gene Hendryx and Mrs. Hendryx.

The President announced the appointment of the following as a Committee to escort Mrs. Weinert to the President's Rostrum: Senators Patman, Aikin, Herring and Word.

Mrs. Weinert was escorted to the President's Rostrum and Senator Patman, after enumerating many of the accomplishments of Mrs. Weinert, presented a bouquet of roses to Mrs. Weinert and the portrait to the Senate.

The President accepted the portrait on behalf of the Senate and expressed appreciation of the Members and the State for the remarkable things she has done for the State and the Nation, stating that the portrait will have a prominent place in the Senate to attest to her many contributions and services.

The President then presented Mrs. Weinert to the Members of the Senate for such remarks as she cared to make.

Mrs. Weinert addressed the Senate and distinguished guests present, stating that she could not express the emotions of her heart for the great tribute paid to her today. She further stated that any contributions she had made were small compared to the commendations and honor bestowed upon her and that this was the most exhilarating experience of her life, all of which had made it a day for her to remember. She thanked everyone from the depths of a grateful heart, adding further that "God bless you and hold you always in the hollow of His hand."

#### Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 972, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.  
HALL

#### House Bill 1358 on Second Reading

On motion of Senator Herring and by unanimous consent, H. B. No. 1358 was called from the President's Table for consideration at this time, (the bill having been read the second time on yesterday and Laid on the Table Subject to Call.)

Question—Shall H. B. No. 1358 be passed to third reading?

The bill was passed to third reading.

#### House Bill 1358 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1358 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Bernal
Bates	Berry

Blanchard  
Brooks  
Christie  
Cole  
Connally  
Creighton  
Grover  
Hall  
Hardeman  
Harrington  
Hazlewood  
Herring  
Hightower  
Jordan

Kennard  
Mauzy  
Moore  
Parkhouse  
Patman  
Ratliff  
Reagan  
Schwartz  
Strong  
Wade  
Watson  
Wilson  
Word

#### Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 61, Expressing appreciation for the service of Judge W. W. Heath and inviting him to address the Texas Legislature.

S. C. R. No. 46, Creating an interim committee to study problems peculiar to the various beaches of Texas.

S. C. R. No. 77, Authorizing corrections in S. B. No. 467.

S. C. R. No. 79, Authorizing corrections in S. B. No. 400.

S. C. R. No. 80, Authorizing corrections in S. B. No. 550.

S. C. R. No. 82, Authorizing certain corrections in S. B. No. 466.

S. C. R. No. 84, Authorizing corrections in S. B. No. 145.

S. C. R. No. 78, Correcting S. B. No. 564.

#### Reports of Standing Committees

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred H. B. No. 524, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

**Senator Hall by unanimous consent submitted the following reports:**

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 486, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 623, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

#### **Senate Bill 623 Ordered Not Printed**

On motion of Senator Brooks and by unanimous consent S. B. No. 623 was ordered not printed.

#### **House Bill 486 Ordered Not Printed**

On motion of Senator Mauzy and by unanimous consent H. B. No. 486 was ordered not printed.

#### **Report of Standing Committee**

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 869, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLE, Chairman.  
BLANCHARD  
REAGAN

#### **House Bills on First Reading**

The following bills received from the House were read first time and referred to the Committees indicated:

H. B. No. 1041, to the Committee on Counties, Cities and Towns.

H. B. No. 1292, to the Committee on Education.

H. B. No. 1333, to the Committee on Contingent Expenses.

#### **Message From the House**

Hall of the House of Representatives,  
Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 273, A bill to be entitled "An Act concerning the practice of barbering in this State; amending Article 728, Penal Code of Texas, 1925; redefining the practice of barbering; and amending Sections 3, 4, 5, 21 and 24, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929, as amended (Article 734a, Vernon's Texas Penal Code), relating to the operation and management of a barber shop, providing for licensing of barber shops; setting fees for permits and renewal permits, providing for an expiration date for permits; redefining a barber shop; providing for eligibility and employment of assistant barbers; defining unethical barbering procedures; adding provisions to that section which defines certain misdemeanors; providing for severability; and declaring an emergency."

The House has adopted the Conference Committee Report on House Bill No. 235 by a vote of 141 ayes, 0 noes.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### **House Bill 869 Ordered Not Printed**

On motion of Senator Blanchard and by unanimous consent H. B. No. 869 was ordered not printed.

#### **Bills Signed**

The President signed in the pres-



ence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 78, A bill to be entitled "An Act relating to travel and other necessary expenses of district judges and district attorneys paid by the state; amending Section 2, Chapter 231, Acts of the 56th Legislature, Regular Session, 1959 (Article 6823a, Vernon's Texas Civil Statutes); amending Article 6820, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 6823, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 535, A bill to be entitled "An Act authorizing the creation, establishment, maintenance and operation of a Hospital District within the territory of the Blanco Independent School District lying in Blanco and Kendall Counties, Texas, etc., and declaring an emergency."

S. B. No. 564, A bill to be entitled "An Act providing maximum compensation for assessor-collectors of taxes for all counties having a population of not less than 600,000 nor more than 900,000 according to the last preceding federal census; and declaring an emergency."

S. B. No. 370, A bill to be entitled "An Act authorizing the Board of Directors of Texas A&M University to lease any portion of the James Connally Air Force Base that the board determines not necessary for the establishment or operation of the James Connally Technical Institute of Texas A&M University; amending Chapter 91, Acts of the 59th Legislature, Regular Session, 1965, by adding Section 4A (Article 2615f-1, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 402, A bill to be entitled "An Act amending Section 1, Chapter 553, Acts of the 59th Legislature, Regular Session, 1965 (Article 1581g, Vernon's Texas Civil Statutes), to allow the County Judge of certain counties to appoint a County Industrial Commission; and declaring an emergency."

S. B. No. 383, A bill to be entitled "An Act amending Section 1 of Chapter 202, Acts of the 56th Legislature, Regular Session, 1959, codified as Article 2326j-5 Vernon's Texas Civil

Statutes, providing for the compensation of the official shorthand reporter of the 79th Judicial District of Texas; providing the manner of payment; and declaring an emergency."

S. J. R. No. 32, Proposing an amendment to Article VIII of the Constitution of the State of Texas by adding a Section 1-e providing for a gradual abolition of the property tax levied by Article VII, Section 3; an abolition of the Two Cent ad valorem tax levied by Article VII, Section 17 after December 31, 1976; providing that the Ten Cent ad valorem tax levied by Article VII, Section 17, shall not be levied after December 31, 1978; and providing for deletion of references to ad valorem taxes in Article III, Section 51.

#### Reports of Standing Committees

Senator Hightower by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Contingent Expense, to which was referred H. B. No. 1333, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 61, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.  
BATES  
BERRY  
HAZLEWOOD  
MAUZY  
WATSON  
GROVER

(Senator Aikin in the Chair.)

**House Bills on First Reading**

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 1143, to the Committee on Counties, Cities and Towns.

H. B. No. 1316, to the Committee on Counties, Cities and Towns.

**Conference Committee Report on Senate Bill 214**

Senator Wade submitted the following Conference Committee Report on S. B. No. 214:

Austin, Texas,  
May 19, 1967.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 214 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WADE  
HARDEMAN  
PARKHOUSE  
REAGAN

On the part of the Senate.

JONES of Taylor  
FIELD  
SHERMAN

On the part of the House.

S. B. No. 214,

A BILL  
To Be Entitled

An Act amending Chapter 512, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 548b, Vernon's Texas Civil Statutes), relating to the sale of pre-arranged or prepaid funeral services to be delivered at an undetermined future date dependent upon death of the contracting party; providing for the handling and disposition of money collected or paid under such contract, interest accruing thereon, and enhancement thereof; providing for the administration of the Act under

the State Banking Department; prescribing certain offenses and fixing the penalty therefor; providing for quo warranto proceedings; providing nothing in the Act shall alter or affect any provisions of the Insurance Code of the State of Texas; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 512, Acts of the 54th Legislature, Regular Session, 1955, as amended by Chapter 496, Acts of the 58th Legislature, Regular Session, 1963 (Article 548b, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Section 1. Any individual, firm, partnership, corporation, or association (hereinafter called 'organization' or 'seller') desiring to sell pre-arranged or prepaid funeral services or funeral merchandise (including caskets, grave vaults, and all other articles of merchandise incidental to a funeral service, but excluding grave lots, grave spaces, grave markers, monuments, tombstones, crypts, niches, and mausoleums), or accepting funds for such services or merchandise, in this state, under any contract, expressed or implied, providing for prepaid burial or funeral benefits or merchandise (hereinafter called 'prepaid funeral benefits'), or who shall solicit the designations by an individual of the items of funeral merchandise or services which he desires to be provided out of any fund, investment, security, or contract to be created or purchased by such individual at the suggestion or solicitation of the organization shall obtain a permit from the State Banking Department (hereinafter called Department) of this state authorizing the transaction of this type of business, before conducting such business. Seller shall not be entitled to enforce a contract made in violation of this Act, but the purchaser or his heirs, or legal representative, shall be entitled to recover all amounts paid to the seller under any contract made in violation thereof, and all amounts paid whether or not paid seller; to any fund or for any investment, security, or contract where the seller has violated the provisions of this Act. Delivery of funeral merchandise prior to death shall not constitute

performance or fulfillment, either wholly or in part, of any prepaid funeral benefits contract entered into after the effective date of this amendatory Act.

"Provided, however, that grave lots, grave spaces, grave markers, monuments, tombstones, crypts, niches, and mausoleums shall not be excluded from the provisions of this Section when these items and articles are sold in contemplation of trade or barter for services and articles designated as included by the provisions of this Section.

"Section 1a. No organization covered by this Act shall solicit by any means whatsoever the designation by an individual of funeral services or merchandise which he desires to be provided to be paid out of any fund, investment, security, or contract, to be created or purchased by or for such an individual at the suggestion or solicitation of the organization, unless such a fund is to be created by a contract of insurance with an insurance company licensed in Texas, or unless such fund, investment, security, or contract shall have been approved by the Department as safeguarding the right and interests of the individual, his heirs and assigns, to substantially the same or greater degree as is provided with respect to funds regulated by Section 5 hereof. Provided, however, that the Department may require evidence of payment of premiums on any contract of insurance used to create a fund to guarantee prepaid funeral benefits. Any seller failing to provide such evidence to the Department after being so requested by written notice shall be subject to cancellation of its permit under the provisions of Section 4 of this Act.

"Section 2. This law shall be administered by the State Banking Department. The Department is authorized to prescribe reasonable rules and regulations concerning the keeping and inspection of records, the filing of contracts and reports, and all other matters incidental to the orderly administration of this law; and the Department may approve forms for sales contracts for prepaid funeral benefits. All such contracts must be in writing and no contract form shall be used without prior approval of the Department. All such contracts shall state the name of the funeral home or other organization

primarily responsible for providing the funeral services or merchandise specified in such contracts. In the event the seller is not the funeral home designated to provide the specified funeral services or merchandise, such contract shall not be valid unless the funeral home so designated is a party to the contract and therein agrees and obligates itself to provide such specified funeral services or merchandise. It is further provided, that all prearranged or prepaid funeral contracts shall set forth the particulars of the funeral merchandise, including a description and specifications of the material used in the caskets or grave vaults to be furnished, and such contracts shall set forth the particulars of the professional services to be performed and the funeral home facilities to be provided.

"Section 3. Each organization desiring to sell prepaid funeral benefits shall file an application for a permit with the Department and shall pay a filing fee of \$25. The Banking Commissioner may issue a permit upon receipt of the application and payment of the filing fee. Permits shall expire on March 1st each year, but may be renewed for a period of one year upon payment of a fee of \$20. on or before March 1st.

"Section 4. The Department may cancel a permit or refuse to renew a permit for failure to comply with any provision of this Act or any valid rule or regulation which the Department has prescribed, after reasonable notice to the permittee and after a hearing if the permittee requests a hearing.

"No organization shall be entitled to a new permit for a period of one year after cancellation or refusal by the Department to renew its permit, but shall thereafter be entitled to a new permit upon satisfactory proof of compliance with this law.

"Any person aggrieved by the action of the Department may appeal therefrom to a District Court in Travis County, Texas.

"Section 5. All sums heretofore or hereafter paid or collected on contracts for prepaid funeral benefits entered into prior to the effective date of this Act shall be handled in accordance with the manner in which they have heretofore been handled. All sums paid or collected on such

contracts entered into after the effective date of this Act (with the exception of those paid where a contract of insurance is created or those approved by the Department, as both are provided for in Section 1a) of this Act shall be handled in the following manner:

"(1) The funeral home (or other entity collecting said funds) may retain as its own money, for the purpose of covering its selling expenses, servicing costs, and general overhead, an amount not to exceed one-half of all funds so collected or paid until it has received for its use and benefit an amount not to exceed ten percent of the total amount agreed to be paid by the purchaser of said prepaid funeral benefits as such total amount is reflected in the contract. No charges or assessments, except premiums collected on an insurance policy guaranteeing the payments on a prepaid funeral contract or the unpaid balance thereof, shall be collected from the purchaser other than those included in the total amount of said contract.

"(2) All amounts paid or collected, with the exception of those permitted to be retained as set forth above, shall, within thirty days after such collection, be (a) deposited in a savings and loan association in this state, or (b) deposited in a state or national bank in this state, or (c) placed with the trust department in a state or national bank in this state to be invested by such trust department in accordance with the terms and provisions of the Texas Trust Act. Such deposits or trust accounts shall be carried in the name of the funeral home or other entity to whom the purchaser makes payment, but accounting records shall be maintained showing the amount deposited or invested with respect to any particular purchaser's contract.

"(3) The date of death of the purchaser of such contract (or other individual who may be designated in the contract as the person for whose funeral such funds may be used) shall be the maturity date of the contract, and as soon as conveniently practicable after such maturity date and upon presentation of a certified copy of the death certificate of such person together with proper affidavits as may be required by the Department, such funds shall be released in ful-

filment of the contract, and the funeral home (or other entity to the contract which has collected the funds) shall, if the amount so withdrawn does not equal one hundred percent of the total amount paid under such contract, make up the difference so that the amount available for funeral benefits shall equal one hundred percent of the total amount paid in under such contract. Any amounts accumulated at maturity on any particular contract in excess of one hundred percent of the amount paid in on such contract shall be available to the funeral home (or other entity collecting said funds) in making up the difference on any particular contract which at maturity did not have funds available equal to one hundred percent of the amount paid under such contract.

"The seller may withdraw at any time funds out of accrued interest or income of the deposit accounts or trust accounts for the purpose of paying reasonable and necessary charges made by a savings and loan association, or bank, or trust department of a bank, and trustee's fees made by a savings and loan association, or bank, or trust department of a bank, with respect to such accounts, or for the purpose of paying any taxes caused or created by reason of the existence of such deposit accounts or trust accounts. Upon the maturity date of a contract as above provided and only after the funeral home has fully performed its obligations under said contract with the purchaser, or at the time of cancellation prior to maturity as provided in Subsection (4) herein, the seller may additionally withdraw from said deposit account (whether a trust or other funded account) any enhanced value, accrued interest, or accrued income of said contract. Such withdrawal shall be the proportionate part of the total enhanced value, accrued interest or accrued income, that the amount deposited under said contract bears to the total amount deposited from all unmaturing contracts.

"(4) In the event a purchaser under a contract should desire to cancel the contract prior to maturity, such cancellation may be accomplished by the purchaser giving fifteen days notice in writing to the Department and to the seller of the contract, and thereafter, upon written authorization from the Department, such pur-

chaser may withdraw the funds in such depository being held for his use and benefit; provided, however, such purchaser shall be entitled to withdraw and receive only the actual amounts paid in by him less the amounts permitted to be retained as provided in Subsection (1) hereof. Purchaser may make no partial cancellations or withdrawals.

"Section 6. Each organization subject to this Act shall designate an agent or agents, either by names of the individuals or by titles of their offices or positions, who shall be responsible for deposit of funds collected under contracts for prepaid funeral benefits. The organization shall notify the Department of such designation within 10 days after it becomes subject to this Act, and shall also notify the Department of any change in such designation within 10 days after such change occurs. If any person acting on behalf of the seller collects any money under such a contract and fails to deliver it, within 30 days after collection, to a designated agent, or if any designated agent fails to deposit the money within 30 days after he receives it, he shall be guilty of a misdemeanor and a violation of this Act and shall be punished by those means prescribed in Section 9 of this Act.

"Section 7. The Department may require an annual report from any permit holder in such form as the Department may require. Any organization which has discontinued the sale of prepaid funeral benefits but which still has outstanding contracts shall not be required to obtain a renewal of its permit, but the Department may require annual reports of said organization until all such contracts have been fully discharged. If any officer of any organization fails or refuses to file an annual report or to cause it to be filed within 30 days after he has been notified of the requirement by the Department, he shall be guilty of a misdemeanor and a violation of this Act and shall be punished by those means prescribed in Section 9 of this Act.

"Section 8. Each organization which has outstanding contracts for prepaid funeral benefits shall maintain within this state such records as the Department may require to enable it to determine whether the organization is complying with the provisions of this Act. Such records shall be subject to

annual examination by the Department or its agent and to such additional examinations as it deems necessary. The organization shall pay for the cost of examination, including the salary and traveling expenses paid to the person making the examination during the time spent in making the examination and in traveling to and returning from the point where the records are kept, and all other expenses necessarily incurred in the examination; but the cost to the organization shall not be less than \$15. per day nor more than \$40. per day, or more than a total cost of \$200. for each examination.

"Section 9. Any officer, director, agent, or employee of any organization subject to the terms of this Act who makes or attempts to make any contract in violation of this Act, or who refuses to allow an inspection of the organization's records, or who violates any other provision of this Act, shall be punished by a fine of not less than \$100. and not more than \$500., or by imprisonment in the county jail for not less than one month and not more than six months, or by both such fine and imprisonment. Each violation of any provision of this Act shall be deemed a separate offense and prosecuted individually.

"The Department may bring each such violation of this Act to the attention of the Attorney General of this state and it shall be the duty of the Attorney General to institute suit in the name of the State of Texas against such violator in any county in this state where such violation might occur.

"In addition to the misdemeanor penalties prescribed above, the Attorney General shall have the power and authority to institute quo warranto proceedings in a District Court of Travis County, Texas to forfeit the charter and right to do business of a corporation whose officer, director, agent or employee refuses or fails to correct a violation of this Act after such violation has been called to the attention of said officer, director, agent or employee by the Department or the Attorney General. A period of 30 days shall be considered sufficient time to correct such violation after notice from the Department or Attorney General.

"Section 10. All fees, penalties and revenues collected by the department shall be paid to the State Treasury,

placed in the prepaid funeral account fund and shall be expended as authorized by legislative appropriation.

"Section 10a. Nothing in this Act shall alter or affect any provisions of the Insurance Code of the State of Texas."

Sec. 2. The fact that this legislation is of major importance, and that the calendars in both Houses are extremely crowded, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read.

Question—Shall the Conference Committee Report on S. B. No. 214 be adopted?

#### House Bill 742 Re-referred

On motion of Senator Strong, and by unanimous consent, H. B. No. 742, was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

#### House Bill 865 Re-referred

On motion of Senator Strong, and by unanimous consent, H. B. No. 865 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

#### House Bill 212 Re-referred

On motion of Senator Hall, and by unanimous consent, H. B. No. 212 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

#### Senate Concurrent Resolution 85

Senator Hardeman offered the following resolution:

S. C. R. No. 85, Recalling S. B. No. 502 from the Governor and authorizing certain corrections therein.

Whereas, S. B. No. 502 has been passed by both the Senate and the House of Representatives and is now in the office of the Governor, and there is a certain correction to be

made in the bill; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Governor be and is hereby respectfully requested to return Senate Bill No. 502 to the Senate for correction; and, be it further

Resolved, That the action of the President of the Senate and the Speaker of the House in signing S. B. No. 502 be declared null and void, and that the two presiding officers be authorized to remove their signatures from the enrolled bill; and, be it further

Resolved, That the Engrossing and Enrolling Clerk of the Senate be and is hereby directed to correct the enrolled copy of S. B. No. 502 by adding the words, "supervisory personnel" after the words "narcotic section" and before the word "and" in Section 1 of said bill.

The resolution was read.

On motion of Senator Hardeman, and by unanimous consent, the resolution was considered immediately and was adopted.

(President in the Chair.)

#### Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 624, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Christie by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 959, have had the same under consideration, and we are instructed to report

it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.  
SCHWARTZ  
BROOKS  
HERRING  
WILSON

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 868, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.  
WILSON  
SCHWARTZ  
HERRING  
BROOKS

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 204, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD  
WADE  
RATLIFF  
BERRY

Austin, Texas  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1041, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas  
May 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 862, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas  
May 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1312, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas  
May 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1067, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1143, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1316, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 866, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 743, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 742, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 865, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

## House Bill 959 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. B. No. 959 was ordered not printed.

## Senate Bill 624 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 624 was ordered not printed.

## House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 757, to Committee on Jurisprudence.

H. B. No. 1265, to Committee on Finance.

## Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 292, A bill to be entitled "An Act concerning an optional retirement program for teachers and administrative personnel employed by State-supported institutions of higher education and annuity and insurance contracts issued for these and related purposes, and declaring an emergency."

## Message From the House

Hall of the House of Representatives

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 595, A bill to be entitled "An Act relating to the regulatory authority of the Parks and Wildlife Commission with respect to hunting deer in Panola County; amending Section 15, Chapter 125, Acts of the 52nd Legislature, 1951, as amended, and adding a Section 1b; repealing Chapter 96, Acts of the 54th Legislature, Regular Session, 1955; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives



**Senate Bill 173 on Third Reading**

The Senate resumed the consideration of the pending business, (same being S. B. No. 173 on its third reading, the bill having been read the third time on yesterday).

Question—Shall S. B. No. 173 be finally passed?

**Senate Resolution 703**

Senator Hall offered the following resolution:

Whereas, We are honored to have in the Senate today Mr. Bruce Cabot, distinguished artist of both stage and screen; and

Whereas, This veteran actor who has appeared in some 160 movies, produced during the last 35 years, and who is visiting our State in connection with the World Premiere in Dallas of the movie "War Wagon"; now, therefore, be it

Resolved, It is the wish of the Senate of the 60th Legislature to invite Mr. Bruce Cabot to make any remarks he desires to the Senate, and that he be extended privileges of the floor.

The resolution was read and was adopted.

The President announced the appointment of the following as an Escort Committee to escort the distinguished guest to the President's Rostrum: Peggy Brinkman, Sarah Landes, Vickie Hudson, Nancy Granger and Virginia Palmer.

The President stating the pleasure of the Senate at the presence of this distinguished guest, presented Mr. Bruce Cabot to the Members of the Senate.

Mr. Cabot addressed the Senate expressing pleasure for being a guest of the Senate and thanked the Members for the honor extended to him.

**Recess**

Senator Aikin moved that the Senate take recess until 2:00 o'clock p.m. today.

Senator Jordan moved that the Senate take recess until 3:00 o'clock p.m. today.

Question first on the motion to take recess until 3:00 o'clock p.m. today, the motion was lost.

Question next on the motion to take recess until 2:00 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 11:54 o'clock a.m. took recess until 2:00 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 2:00 o'clock p.m. today.

**Senate Concurrent Resolution 86**

Senator Herring offered the following resolution:

S. C. R. No. 86, Authorizing the Enrolling Clerk to make certain corrections in S. B. No. 85.

Whereas, S. B. No. 85 has been passed by both the Senate and the House and is now in the Senate Enrolling Room; and

Whereas, A typographical error was made in the income bracket and monthly payment columns of the schedule contained in Section 1 of S. B. No. 85 and a correction needs to be made, beginning with the figure "12,000", so that it shall read as follows:

12,000 - 12,999	90.00
13,000 - 13,999	100.00
14,000 - 14,999	110.00
15,000 - 15,999	120.00
16,000 - 16,999	130.00
17,000 - 17,999	140.00
18,000 - 18,999	150.00
19,000 - 19,999	160.00
20,000 - up	170.00

now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk be and is hereby directed to correct the enrolled copy of S. B. No. 85 in Section 1 thereof so that it shall read as above set out.

The resolution was read.

On motion of Senator Herring, and by unanimous consent, the resolution was considered immediately and was adopted.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

H. B. No. 1343, Amending Article 1389, Penal Code of Texas, 1925, relating to burglary; and declaring an emergency.

H. C. R. No. 146, Memorializing the President and the Congress of the United States to remove from the federal reclamation laws the 160-acre limitation.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Reports of Standing Committee

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 56, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1217, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 803, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 137, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

#### House Concurrent Resolution 146 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. 146, Memorializing Congress to remove from Federal reclamation laws the limitation and providing for adjustment for existing acreage limitations.

The resolution was read.

On motion of Senator Blanchard, and by unanimous consent the resolution was considered immediately and was adopted.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 510, to Committee on Counties, Cities and Towns.

H. B. No. 810, to Committee on Transportation.

H. B. No. 1233, to Committee on Counties, Cities and Towns.

H. B. No. 1351, to Committee on Counties, Cities and Towns.

H. B. No. 807, to Committee on Counties, Cities and Towns.

H. B. No. 943, to Committee on Counties, Cities and Towns.

H. B. No. 1356, to Committee on Counties, Cities and Towns.

#### Senate Bill 173 on Third Reading

The Senate resumed the consideration of the pending business, (same being S. B. No. 173 on its third reading and final passage, the bill having been read the third time yesterday).

Question—Shall S. B. No. 173 be finally passed?

Senator Parkhouse offered the following amendment to the bill:

Amend S. B. No. 173 by striking out the 3rd paragraph of Section 1 and inserting in lieu thereof the following:

"The members of the Commission shall serve without compensation for time and expenses until a budget has been prepared and approved by the chairmen of both of the Contingent Expense Committees of the House of Representatives and the Senate."

The amendment was read.

Question—Shall the amendment by Senator Parkhouse to S. B. No. 173 be adopted?

#### Reports of Standing Committee

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1189, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HALL, Chairman.  
HIGHTOWER  
RATLIFF  
CHRISTIE  
BERRY  
CONNALLY

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 510, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

#### Senate Bill 620 on Second Reading

On motion of Senator Patman and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 620, A bill to be entitled "An Act creating the Copano Bay Municipal Water District of Aransas County, etc., and declaring an emergency."

The bill was read the second time.

Senator Patman offered the following amendment to the bill:

The captioned bill creating Copano Bay Municipal Utility District is amended by deleting "3" in line 4, paragraph 1, Section 6 and substituting "4" in lieu thereof.

The amendment was read and was adopted.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 620 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 620 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

#### House Concurrent Resolution 126 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 126, Creating a Committee on State and Local Tax Policy.

The resolution was read.

On motion of Senator Ratliff, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Conference Committee Report on Senate Bill 63

Senator Herring submitted the following Conference Committee Report on S. B. No. 63:

Austin, Texas,  
May 17, 1967.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of The House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 63, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PARKHOUSE  
HERRING  
MOORE  
RATLIFF  
REAGAN

On the part of the Senate.

PIPKIN  
ATWOOD  
HINSON  
SHANNON  
of Tarrant  
ATWELL

On the part of the House.

S. B. No. 63,

#### A BILL To Be Entitled

An Act to amend Article I, Section 3, Membership, Subsection A, Paragraph 3; Section 4, Creditable Service, Subsection G, Military Service; Section 5, Benefits, Subsection B, Allowance for Service Retirement, Paragraph 1; Subsection C, Disability Retirement Benefits for Appointive Officers or Employees, Paragraphs 2, 3, and 6; Subsection D, Service Retirement Allowance, Paragraph 1; Subsection E, Return of Accumulated Contributions, Paragraphs 2, 3, 5 and 6; Section 7, Management of Funds, Subsection B; Section 8, Method of Financing, Subsection A, Paragraph 5 (a and b); Section 12, Amount of Benefits; Creditable Service, Subsection A. B, C, and D; of H. B. 902, Regular Session, 58th Legislature; providing an effective date; repealing laws in conflict herewith; providing a savings clause; and declaring an emergency.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 3, Subsection A, Paragraph 3, first sentence only, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Article I, Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"3. Employees who are employed in a position normally requiring less than seventy-five (75) hours per month."

Sec. 2. Section 4, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Article I, Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended by amending Subsection G, to read as follows:

"G. Credit for Military Service. During the time the United States was or is involved in organized con-

flict whether in a state of war or a police action involving conflict with foreign forces or for reason of a crisis within this country, time spent by a member of the Employees Retirement System in the Armed Forces of the United States of America as a direct result of having been drafted, conscripted and/or enlisted shall count towards creditable service, provided, however, that the time so credited shall be limited to five (5) years and further provided that such service shall not be credited unless the member enters into such service directly from State employment without other intervening employment and further that said member contributes to the Employees Retirement System a sum equal to the number of months in active service as set forth herein times the rate of his last contribution prior to entering such service. The funds so contributed shall be deposited to the credit of the member's individual account in the Employees Saving Fund, and shall be treated in the same manner as funds contributed by the member while he was employed by the State, and such sum equal to the amount of contributions shall be matched by the State from the fund in which he entered military service and shall be deposited in the State Accumulation Fund. Any person employed or holding an elective State office who entered directly into military service prior to the establishment of the Retirement System either by induction or by enlistment shall be entitled to prior service credit for the time prior to establishment of the System. It is expressly provided herein that persons who served in the armed forces of the United States of America as set forth above and who before but at some subsequent period of time became a member of the Employees Retirement System either as an appointive officer or employee and has accumulated ten (10) years of employee service or an elective state official and has accumulated six (6) years of elective official service shall be permitted to pay to the Employees Retirement System a sum equal to the number of months in active service as set forth herein times the rate of his pay at the beginning of membership, but such service and payment shall be limited to five (5) years and his contributions shall be deposited in the member's individual account in the Employees

Saving Fund, and an equal sum for state matching from the fund out of which such person received his first compensation and such matching money will be deposited in the State Accumulation Fund. It is specifically provided that military service as set forth herein shall in no event be granted in excess of five (5) years for retirement credit beginning with the effective date of this Act, but further provided that military service previously granted shall not be reduced. The State Board of Trustees shall determine and by order define the period or periods which shall be recognized as organized conflict or crisis within the contemplation of this Act."

Sec. 3. Paragraph 1, Subsection B, Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963, (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"1. The allowance for service retirement shall be computed on the basis of the average monthly compensation of the member for the sixty (60) highest consecutive months of compensation during the last one hundred and twenty (120) months of creditable service. The rate of benefits shall be based upon the following schedule:

First ten (10) years of service—1.25% per year.

Next twenty (20) years of service—1.50% per year.

All subsequent years—1.75% per year.

"It is provided however, that if the service retirement annuity calculated on the basis of the Rate of Benefits set forth herein is less than Fifty Dollars (\$50) per month, then the benefits shall be increased to equal the sum of Fifty Dollars (\$50) per month.

"It is expressly provided that any annuity or allowance payable under the provisions of this Act shall begin with the last day of the month following the effective date of retirement and shall be paid in monthly installments and shall cease with the last day of the month in which the beneficiary or person dies who is receiving such annuity or allowance as provided in this Act.

"It is further provided that the rate of benefits scheduled as provided for by this Act shall be ap-

plied to all service retirement annuities payable on the effective date of this Act and previously awarded under the laws governing the Employees Retirement System as effective September 1, 1963."

Sec. 4. Paragraphs 2, 3, and 6, Subsection C, Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), are amended to read as follows:

"2. Allowance on Disability Retirement—Nonoccupational, for Appointive Officers or Employees. Upon retirement for disability (nonoccupational) a member shall receive a service retirement allowance if he has attained the age of sixty (60) years, otherwise, he shall receive a disability retirement allowance computed at one and one-half percent (1½%) per year of service, multiplied by the average monthly compensation for the sixty (60) highest consecutive months during his last preceding one hundred and twenty (120) months of creditable service, provided, however, that in no event will his disability retirement allowance be less than thirty percent (30%) of his average compensation so computed nor his maximum benefit exceed sixty percent (60%) of his average compensation so computed.

"It is provided however, that if the disability retirement annuity calculated on the basis of the Rate of Benefits set forth herein is less than Seventy-five Dollars (\$75) per month then the benefits shall be increased to equal the sum of Seventy-five Dollars (\$75) per month.

"It is further provided, however, that any member who retired on disability prior to September 1, 1958, will receive an increase of fifteen percent (15%) or if less than Seventy-five Dollars (\$75) per month then the benefits shall be increased to equal the sum of Seventy-five Dollars (\$75) per month.

"It is expressly provided that all nonoccupational disability retirements previously awarded and in effect at the time this Act becomes effective, shall be reviewed, and the benefits of this Act shall be applied to each retirement; provided, however, that no person shall receive an annuity less than that being paid at the effective date of this Act.

"3. Allowance on Occupational Disability Retirement for Appointive Officers or Employees.

"Upon retirement for occupational disability a member shall receive a disability retirement allowance computed at one and one-half percent (1½%) per year of creditable service multiplied by the monthly rate of compensation being paid to the member at the time of the disabling injury or disease; provided, however, that in no event shall the disability retirement allowance be less than thirty percent (30%) nor more than sixty percent (60%) of the monthly rate of compensation.

"It is provided, however, that if the occupational disability retirement annuity calculated on the basis of the Rate of Benefits set forth herein is less than Seventy-five Dollars (\$75) per month then the benefits shall be increased to equal the sum of Seventy-five Dollars (\$75) per month.

"It is expressly provided that all occupational disability retirements previously awarded and in effect at the time this Act becomes effective, shall be reviewed, and the benefits of this Act shall be applied to each retirement; provided, however, that no person shall receive an annuity less than that being paid at the effective date of this Act.

"6. Should a disability beneficiary under the age of sixty (60) years be restored to active service, his retirement allowance shall cease, he shall again become a member of the Retirement System, and the balance of his retirement reserve shall be transferred to the Employees Saving Fund and to the State Accumulation Fund, respectively, in proportion to the original sum transferred to the Retirement Annuity Reserve Fund at retirement. Upon restoration to membership, any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all his membership service. Should a disability beneficiary die or be removed from the disability list for any cause other than restoration to active service, an amount equal to the amount by which such beneficiary's accumulated contributions at the time of disability retirement exceed the annuity payments received

by such beneficiary under his disability allowance, if any such excess exists, shall be paid from the Retirement Annuity Reserve Fund to such beneficiary if living; otherwise, such amount shall be paid as provided by the laws of descent and distribution of Texas, unless the beneficiary has directed such amount to be paid otherwise. If the member is granted a disability allowance while employed by the State or on Compensation Insurance or temporary sick leave and dies while receiving this disability allowance and is survived by a spouse at the date of his death, and if there is no surviving spouse then only to the guardian of the dependent minor children, will be granted a death benefit as set forth under Section 5, Subsection E, Paragraph 2, a, b, c, or d, whichever is applicable. Such benefit granted would be paid from the State Accumulation Fund.

"It is provided, however, that if the disability beneficiary has been retired for occupational disability and should such beneficiary die while receiving such occupational disability benefits, an amount equal to the amount by which such beneficiary's accumulated contributions at the time of occupational disability retirement exceeds the annuity payments received by such beneficiary under his occupational disability allowance, if any such exists, shall be paid as provided by the laws of descent and distribution of Texas, unless the beneficiary has directed such amount to be paid otherwise, and provided further, that this refund as set forth herein shall be made only if the cause of the death of the beneficiary is from or connected with the occupational injury or disability resulting in the occupational disability retirement; otherwise, the provisions above set forth in this paragraph shall apply.

"It is further provided that if the beneficiary dies while receiving an occupational disability allowance and he is survived by a spouse and if there is no surviving spouse then only to the guardian of the dependent minor children, then an additional death benefit will be paid an amount equal to the full annual salary before the deceased appointive officer or employee at the rate of pay he was receiving at the date he was granted occupational disability. This additional benefit payment would be paid from

the State Accumulation Fund. The Board of Trustees shall determine if the death is an occupational death and its decision shall be final."

Sec. 5. Paragraph 1, Subsection D, Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"1. Any member may retire upon written application to the State Board of Trustees, setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution of and filing thereof, he desires to be retired, provided that retirement will be effective only as of the last day of a calendar month, and provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) years and shall have completed eight (8) or more years of creditable service.

"The Regular Maximum Service Retirement allowance with not less than eight (8) years or more than ten (10) years of service and with an attained age of sixty (60) years or over shall be One Hundred Fifty (\$150) Dollars per month. Each additional year of service in excess of ten (10) years shall increase the Regular Maximum Service Retirement allowance Fifteen Dollars (\$15) per month."

Sec. 5a. Paragraphs 2, 3, 5 and 6, Subsection E, Section 5, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), are amended to read as follows:

"2. Should a member die before retirement the amount of his accumulated contributions standing to the credit of his individual account shall be paid as provided by the laws of descent and distribution of Texas unless he has directed the account to be paid otherwise.

"If such a member dies before retirement, an additional death benefit will be paid only to the surviving spouse and if there is no surviving spouse then only to the guardian of the dependent minor children. It is expressly provided that such additional death benefit herein will be paid only if the member dies and is actively employed by the State or on

compensation insurance or on temporary sick leave on the date of his death and if the member is not employed by the State at the date of his death then the additional death benefit will be void and only the refund of the contributions will be paid. Such payments of the additional death benefit will be made from the State Accumulation Fund as follows:

"(a) At the date of the death of the member, an amount equal to twenty-five percent (25%) of his total accumulated contributions will be paid to the surviving spouse, and if there is no surviving spouse then only to the guardian of the dependent minor children, if such member before his death had been credited with five (5) years of service and less than ten (10) years.

"(b) At the date of the death of the member, an amount equal to fifty percent (50%) of his total accumulated contributions will be paid to the surviving spouse and if there is no surviving spouse then only to the guardian of the dependent minor children, if such member before his death had been credited with ten (10) years of service and less than fifteen (15) years.

"(c) At the date of the death of the member, an amount equal to seventy-five percent (75%) of his total accumulated contributions will be paid to the surviving spouse and if there is no surviving spouse then only to the guardian of the dependent minor children, if such member before his death had been credited with fifteen (15) years of service and less than twenty (20) years.

"(d) At the date of the death of the member who had not chosen an optional death benefit plan as provided in Subsection E, Paragraph 6, an amount equal to one hundred percent (100%) of his total accumulated contributions will be paid to the surviving spouse if such member before his death had been credited with twenty (20) years of service or more. It is provided, however, in lieu of this benefit the surviving spouse may choose the option plan in the same manner as if the member had completed the selection and, further provided, that only the spouse may make such a selection, and if there is no surviving spouse then only by the guardian of the dependent surviving minor children, and if no dependent

minor children then the provisions of the preceding Subsection E, Paragraph 2, pertaining to death benefits shall apply upon death of the member.

"3. Provided, however, in the event that the death of the appointive officer or employee member is an occupational death, there shall be refunded, in addition to any other benefit or payment authorized by this Act, an amount equal to the full annual salary of the deceased appointive officer or employee member based upon his rate of pay at the time of death, but such additional refund shall be paid only to the surviving spouse, and if no surviving spouse, then payment shall be made to the guardian of the dependent minor children, if any, and provided that such additional death benefit shall be paid from the State Accumulation Fund. The Board of Trustees shall determine if the death is an occupational death, and its decision shall be final.

"5. It is provided that any member who has completed thirty (30) years of creditable State service in Texas, may by written designation in such form as the Board of Trustees may prescribe, select a nominee and an optional allowance for retirement as set forth under the preceding, Section 5, Subsection B, Paragraph 3, providing for optional allowances for service retirement, and which selection shall become effective and payable to such nominee beginning with the month following the month in which the member died, provided, however, if such a member having completed thirty (30) years of State service in Texas failed to make a selection in the event of his death then a surviving spouse may choose the option plan in the same manner as if the member had completed the selection and further provided that only the spouse may make such a selection and if there is no surviving spouse then only by the guardian of the dependent minor children, and if no dependent minor children then the provisions of the preceding Subsection E, Paragraph 2, pertaining to death benefits shall apply upon death of the member.

"6. It is provided that any member who has completed twenty (20) years of creditable State service in Texas, but less than thirty (30) years of creditable State service in Texas, may by written designation in such form as the Board of Trustees may pre-



scribe, select a nominee and an optional allowance for retirement as set forth under the preceding Subsection B, Paragraph 3, providing for optional allowances for service retirement, and which shall become effective and payable to such nominee beginning with the month following the month in which the member died, provided, however, that it is required that said member shall be actively employed or on temporary sick leave or on workmen's compensation at the time of his death. If such member having completed twenty (20) years of State service in Texas failed to make a selection in the event of his death then a surviving spouse may choose the option plan in the same manner as if the member had completed the selection and, further provided, that only the spouse may make such a selection, and if there is no surviving spouse then only by the guardian of the surviving minor children, and if no dependent minor children then the provisions of the preceding Subsection E, Paragraph 2, pertaining to death benefits shall apply upon death of the member."

Sec. 6. Subsection B, Section 7, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"B. The State Board of Trustees, annually, on August 31st, shall transfer from the Interest Fund to the Expense Fund an amount as shall be determined by the Board to be necessary for the payments of expenses of the Retirement System in excess of the amount available to be paid from the Expense Fund to cover the expenses as estimated for the succeeding year. The Board, annually, on August 31st, shall transfer to the Retirement Annuity Reserve Fund from the Interest Fund an amount equal to four percent (4%) interest on the mean amount in the Retirement Annuity Reserve Fund for the year then ending. The Board, annually, on August 31st, shall transfer interest to the Employees Saving Fund at a rate not to exceed two and one-half percent (2½%) per annum on the amount in the Employees Saving Fund equal to the sum of the accumulated contributions standing to the credit at the beginning of each year of all members included in the

membership of the System on August 31st of each year, and further, that such transfer of interest to said Fund shall be made before funds are transferred for Service Retirements effective August 31st of each year. The Board, annually, on August 31st, after making transfer from the Interest Fund, as above provided, shall transfer all remaining interest in the Interest Fund to the State Accumulation Fund."

Sec. 7. Paragraph 5, Subsection A, Section 8, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"5. Expense Fund. The Expense Fund shall be the fund from which the expenses of administration and maintenance of the Retirement System shall be paid. Transfers to and payments from this fund shall be made as follows:

"(a) The Executive Secretary shall prepare annually an itemized budget showing the amount required to defray the expenses for the ensuing fiscal year and shall submit the report to the State Board of Trustees for its review and adoption.

"(b) The State Board of Trustees as evidenced by a resolution by the Board recorded in its minutes shall transfer to the Expense Fund from the Interest Fund an amount necessary to cover the expenses as estimated for the year."

Sec. 8. Section 12, Chapter 352, Acts of the 50th Legislature, 1947, as last amended by Chapter 524, Acts of the 58th Legislature, 1963 (Article 6228a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 12. Amount of Benefits; Creditable Service

"A. It is further provided that all service retirement annuities calculated under the laws governing the Employees Retirement System as of August 31, 1958, and payable at the effective date of this Act, as well as all such annuities awarded subsequent to the effective date of this Act, shall be increased on the effective date of this Act, September 1, 1967, by an additional ten percent (10%); provided that nothing herein shall be construed as an increase in the minimum service retirement annuity where the original annuity calculated

at less than the minimum allowance, unless such original annuity, after the application of the ten percent (10%) increase, as provided herein, exceeds the minimum service retirement allowance provided by law; and further, provided that no member who is entitled to a service retirement shall receive as a service retirement benefit an amount which would be less than he would have been entitled to receive at the date of his retirement in an equivalent benefit calculated under the laws governing the Employees Retirement System of Texas as effective August 31, 1958, and subsequent increases effective September 1, 1963, and thereafter receive an amount as a service retirement benefit as provided herein. The Board of Trustees of the Texas Retirement System shall adopt rules and regulations granting creditable service for employees of the Legislature.

"B. Nothing in this Act shall be construed as reducing the annuities or benefit allowances heretofore approved for or awarded to any person prior to September 1, 1958, in accordance with the laws relating to the Employees Retirement System in effect August 31, 1958, provided that if the Service Retirement Benefit of any such retired beneficiary is less than the minimum prescribed under Section 5, Subsection B, Paragraph 1, as applicable then, from and after September 1, 1967, such benefits shall be increased to the minimum prescribed for equivalent service as if said minimum retirement benefit was applicable on the effective date of the retirement.

"C. It is further expressly provided herein that creditable service of all members of the Employees Retirement System of Texas as accumulated by each member and granted by this System as of August 31, 1958, shall not be reduced but shall be granted and shall be effective September 1, 1958, and thereafter.

"D. It is expressly provided herein that no increase in contribution rate or benefits applicable to appointive officers and employees or retired members shall be effective on the date of passage of this Act, but shall become effective on September 1, 1967."

Sec. 9. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated. All provisions of the law

inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Sec. 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

#### Record of Votes

Senators Mauzy, Hardeman and Grover asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report.

#### Reports of Standing Committee

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1233, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
RATLIFF  
BERRY  
HIGHTOWER  
CONNALLY  
CREIGHTON

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 943, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1356, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

#### House Bill 1233 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 1233 was ordered not printed.

#### House Bill 943 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 943 was ordered not printed.

#### House Bill 1356 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 1356 was ordered not printed.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 143, A bill to be entitled "An Act concerning the refund of overpayments of certain taxes levied in Chapter 1, Acts 56th Legislature, Third Called Session, 1959 (Title 122A 'Taxation-General,' Revised Civil Statutes of Texas), as amended, providing that overpayment by any person of certain taxes through mistake of law or fact may be refunded by the Comptroller by warrant on the State Treasury from any funds appropriated for such purposes; providing severability; providing an effective date; and declaring an emergency."

H. B. No. 1270, A bill to be entitled "An Act relating to hunting deer with dogs in Cherokee County; establishing a prima facie case; and declaring an emergency."

H. B. No. 1256, A bill to be entitled "An Act relating to Franklin County Water District; validating said district and all official actions and pro-

ceedings heretofore accomplished and performed by it; providing a no-litigation clause; and declaring an emergency."

H. B. No. 1215, A bill to be entitled "An Act relating to depositories for funds of certain water control and improvement districts under the control of city water boards; etc., and declaring an emergency."

H. B. No. 1194, A bill to be entitled "An Act adding land to Harris County Water Control and Improvement District No. 91; describing the boundaries of such added land; finding the field notes and boundaries of the added land form a closure, and related matters; etc., and declaring an emergency."

H. B. No. 1156, A bill to be entitled "An Act changing the time of royalty payments to the state, etc., and declaring an emergency."

H. B. No. 1076, A bill to be entitled "An Act relating to the Interest and Expense Funds of the Teachers Retirement System; amending Subsections 4 and 5(c), Section 10, Chapter 470, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 2922-1, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 983, A bill to be entitled "An Act placing Maverick County under the regulatory authority of the Parks and Wildlife Commission, etc., and declaring an emergency."

H. B. No. 956, A bill to be entitled "An Act relating to creation of the Kerr County Airport Authority under Section 12, Article IX, Constitution of the State of Texas; providing for the Authority's establishment, organization, administration, and financing; and declaring an emergency."

H. B. No. 857, A bill to be entitled "An Act closing the season on wild turkey in Upshur and Wood counties; prescribing a penalty; and declaring an emergency."

H. B. No. 856, A bill to be entitled "An Act amending Chapter 304, Acts of the 45th Legislature, Regular Session, 1937, as amended, relating to hunting quail in Wood County; and declaring an emergency."

H. B. No. 798, A bill to be entitled "An Act relating to the reemployment of retired teachers; amending Chapter 28, Acts of the 56th Legislature, Regular Session, 1959, as amended by Chapter 318, Acts of the 57th Legislature, Regular Session, 1961, etc., and declaring an emergency."

H. B. No. 790, A bill to be entitled "An Act authorizing counties to enter into cooperative agreements to provide probation services and detention and diagnostic facilities for juvenile delinquents; and declaring an emergency."

H. B. No. 771, A bill to be entitled "An Act authorizing persons nineteen (19) years old or older who hold valid chauffeur's licenses to drive ambulances; amending Section 5 Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 760, A bill to be entitled "An Act repealing Article 405, Penal Code of Texas, 1925, as amended, relating to parental consent to marriage of a minor child; and declaring an emergency."

H. B. No. 669, A bill to be entitled "An Act concerning faculty development leaves of absences for faculty members of State institutions of higher learning, and declaring an emergency."

H. B. No. 619, A bill to be entitled "An Act relating to the compensation of members of certain juvenile boards; amending Section 2, Chapter 163, Acts of the 57th Legislature, Regular Session, 1961 (Article 5139II, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 573, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'River Club Estates Municipal Utility District,' etc., and declaring an emergency."

H. B. No. 598, A bill to be entitled "An Act validating notes, warrants, time warrants, and treasury warrants heretofore issued or authorized to be issued and sold or attempted to be issued and sold by any and all cities in the State for the purpose of ob-

taining funds for public purposes, and validating all orders, ordinances and resolutions of the governing bodies of such cities; etc., and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act relating to and fixing minimum and maximum salaries of the official shorthand reporters for the 47th and the 108th Judicial Districts of Texas; with savings clause; and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act concerning collection of taxes and refunds for overpayment, amending Chapter 1, Acts 56th Legislature, Third Called Session, 1959 (compiled as Title 122A, 'Taxation-General' Revised Civil Statutes of Texas), as amended, by adding a new Article to Chapter 1 of said Title to be numbered 'Article 1.045'; providing the Comptroller shall assess any tax imposed by said Title within seven (7) years from the date such tax is due and payable; providing for exceptions to such period; providing for extension of time by agreement or for action by regulatory bodies; providing for suspension of said time during litigation or redetermination; providing for a limitation of time in which the Comptroller may refund any overpayment of tax or issue a credit for overpayment; providing for severability; providing an effective date; and declaring an emergency."

H. B. No. 500, A bill to be entitled "An Act relating to catching minnows in Foard County; prescribing a penalty for illegal retention of other fish; and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act relating to the salary and supplemental compensation of the district attorney of the 109th Judicial District; amending Chapter 212, Acts of the 53rd Legislature, Regular Session, 1953 (Article 326k-24, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 177, A bill to be entitled "An Act relating to publication of new rules and amendments of rules by the Texas Water Rights Commission; amending Article 7531, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 7475, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 172, A bill to be entitled "An Act authorizing the State Soil and Water Conservation Board to receive and expend moneys for certain projects and programs; providing that the board may enter into certain agreements and contracts; etc., and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act relating to automobile mileage expenses, for county auditors; amending Title 34, Revised Civil Statutes of Texas, 1925, by adding a new Article 1650a; and declaring an emergency."

H. J. R. No. 16, Proposing an amendment to Article VIII, Constitution of the State of Texas, to provide for exemptions from ad valorem taxation of certain property which is in the temporary custody of a public warehouseman.

H. C. R. No. 138, Authorizing Enrolling Clerk to make certain correction in S. B. No. 29.

H. C. R. No. 142, Recalling S. B. No. 28 from the Governor.

H. B. No. 308, A bill to be entitled "An Act creating the office of criminal district attorney of Bowie County, and prescribing his powers, duties, and compensation; abolishing the office of county attorney of Bowie County and the office of district attorney of the Fifth Judicial District; and declaring an emergency."

Signed subject to the provisions of Section 49A, Article III of the Constitution of the State of Texas.

(Senator Christie in the Chair.)

#### House Joint Resolution 50 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 50, Proposing an amendment to Article VIII, Constitution of the State of Texas, by adding Section 1-j to authorize the Legislature to provide for the refund of the tax on cigars and tobacco products sold at retail within the corporate limits of Texarkana, Texas, or any incorporated city or town in Texas contiguous to Texarkana.

The resolution was read second time and passed to third reading.

#### House Joint Resolution 50 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 50 be placed in its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

The Presiding Officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

#### Senate Bill 173 on Third Reading

The Senate resumed the consideration of the pending business, (same

being S. B. No. 173 on its final passage with an amendment by Senator Parkhouse pending).

Question—Shall the amendment by Senator Parkhouse to S. B. No. 173 be adopted?

#### Senate Bill 622 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 622, A bill to be entitled "An Act creating of Court of Domestic Relations in Tarrant County, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 622 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 622 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Blanchard
Bates	Brooks
Bernal	Christie
Berry	Cole

Connally	Moore
Creighton	Parkhouse
Grover	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Schwartz
Hazlewood	Strong
Herring	Wade
Hightower	Watson
Jordan	Wilson
Kennard	Word
Mauzy	

#### Reports of Standing Committees

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 1142, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.  
BLANCHARD  
REAGAN

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1351, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1340, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 807, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

CHRISTIE

WORD

#### House Bill 1340 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 1340 was ordered not printed.

(President in the Chair.)

#### Senate Bill 110 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 110, A bill to be entitled "An Act to provide for an increased statewide total of exceptional teacher units for exceptional children, etc., and declaring an emergency."

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Amend Section 1 of S. B. No. 110 by inserting the words "visual rehabilitation" immediately following the words "sight conservation," and immediately before the words "and corrective health habits" in the third sentence of the second paragraph of Subsection (4)a of Section 1, Article 2922-13, Vernon's Texas Civil Statutes.

The amendment was read and was adopted.

On motion of Senator Watson, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 110 on Third Reading

Senator Watson moved that the

Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 110 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 412, to the Committee on Counties, Cities and Towns.

H. B. No. 425, to the Committee on Counties, Cities and Towns.

H. B. No. 1347, to the Committee on Counties, Cities and Towns.

H. B. No. 1348, to the Committee on Counties, Cities and Towns.

H. B. No. 1349, to the Committee on Counties, Cities and Towns.

H. B. No. 1086, to the Committee on Counties, Cities and Towns.

#### House Bill 1351 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. B. No. 1351 was ordered not printed.

#### Senate Bill 623 on Second Reading

Senator Brooks moved that Senate

Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 623 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hall	Watson
Harrington	Wilson
Herring	Word
Hightower	

## Nays—2

Hardeman	Hazlewood
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The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 623, A bill to be entitled "An Act creating the 168th and 169th District Courts of Harris County, etc., and declaring an emergency."

The bill was read the second time and was passed to engrossment.

## Senate Bill 623 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 623 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

## Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of the bill.

## Senate Bill 410 with House Amendment

Senator Schwartz called S. B. No. 410 from the President's Table for

consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

## Amendment 1

Amend S. B. 410 in the following respects:

a. Delete all of the first sentence in Section 17 of the printed bill and substitute the following: "Bonds of the District, other than refunding bonds, may be sold at a price and upon the terms determined by the Board of Directors of the District, except that such bonds shall not be sold for less than par and shall not bear interest at a rate exceeding 6% per annum."

b. Delete the word "bridges" appearing on line 34 of page 7 of the printed bill and also the word "guardians" appearing on line 35 of page 8 of the printed bill.

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

## Reports of Standing Committee

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Coun-



ties, Cities and Towns, to which was referred S. B. No. 227, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HALL, Chairman.

C. S. S. B. No. 227 was read the first time.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 228, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HALL, Chairman.

C. S. S. B. No. 228 was read the first time.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 229, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HALL, Chairman.

C. S. S. B. No. 229 was read the first time.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 230, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HALL, Chairman.

C. S. S. B. No. 230 was read the first time.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1086, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on Senate Bill No. 63 by a non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Motion to Place Senate Bill 423 on Second Reading

Senator Harrington asked unanimous consent to suspend the regular order of business to consider S. B. No. 423.

There was objection.

#### Reports of Standing Committee

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1347, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1348, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1349, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
CHRISTIE  
WORD

#### Committee Substitute Senate Bill 17 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 17, A bill to be entitled "An Act relating to dangerous drugs; including the hallucinogen commonly called LSD in the Penal Code definition of a dangerous drug; amending Chapter 425, Acts of the 56th Legislature, Regular Session, 1959 (Article 726d, Vernon's Texas Penal Code) as amended; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Amend the Committee Substitute for S. B. No. 17 by (1) striking Sec. 14 thereof, (2) by deleting the word "or" in line 28, page 2 of the bill, and substituting in lieu thereof a comma, (3) by adding the following "or 14" after the numeral "13" and before the phrase "of Section 2(a)"

in line 29, page 2 of the bill and (4) by renumbering the succeeding sentence thereof.

The amendment was read.

(Senator Aikin in the Chair.)

Senator Wilson moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

#### Yeas—17

Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Christie	Patman
Cole	Schwartz
Connally	Strong
Harrington	Wilson
Hazlewood	Word
Hightower	

#### Nays—13

Aikin	Moore
Bates	Parkhouse
Blanchard	Ratliff
Creighton	Reagan
Grover	Wade
Hardeman	Watson
Herring	

#### Absent

Hall

The bill was passed to engrossment.

(President in the Chair.)

#### Committee Substitute Senate Bill 17 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Cole
Bates	Connally
Bernal	Creighton
Berry	Grover
Blanchard	Hall
Brooks	Hardeman
Christie	Harrington

Hazlewood	Ratliff
Herring	Reagan
Hightower	Schwartz
Jordan	Strong
Kennard	Wade
Mauzy	Watson
Moore	Wilson
Parkhouse	Word
Patman	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

#### House Bill 1347 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 1347 was ordered not printed.

#### House Bill 1348 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 1348 was ordered not printed.

#### House Bill 1349 Ordered Not Printed

On motion of Senator Moore and by unanimous consent H. B. No. 1349 was ordered not printed.

#### Senate Bill 304 Laid on Table

On motion of Senator Connally, and by unanimous consent, S. B. No. 304 was Laid on the Table.

#### Senate Bill 431 on Third Reading

On motion of Senator Connally and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S. B. No. 431, A bill to be entitled "An Act exempting citizens of Texas with a family income of not more than \$4,800.00 from the payment of tuition and fees at institutions of collegiate rank and providing qualifications and requirements for eligibility; providing a method of administration; and declaring an emergency."

The bill was read third time and was passed.

#### Record of Votes

Senators Blanchard, Strong, Ratliff, Wade and Parkhouse asked to be recorded as voting "Nay" on the final passage of the bill.

#### Senate Bill 173 on Third Reading

The Senate resumed the consideration of the pending business (same being S. B. No. 173 on its third reading and final passage with an amendment by Senator Parkhouse pending).

Question—Shall the amendment by Senator Parkhouse to S. B. No. 173 be adopted?

#### Motion to Place Senate Bill 426 on Second Reading

Senator Wilson asked unanimous consent to suspend the regular order of business and take up S. B. No. 426 for consideration at this time.

There was objection.

#### Motion to Place Senate Bill 596 on Second Reading

Senator Cole asked unanimous consent to suspend the regular order of business to take up S. B. No. 596 for consideration at this time.

There was objection.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 51, Proposing amendments to Section 1-b, Article VIII, and Section 51, Article XVI, of the Constitution of the State of Texas so as to confer homestead rights upon un-

married persons and make them eligible for the Three Thousand Dollars (\$3,000) exemption from the assessed taxable values of residence homesteads.

H. J. R. No. 56, Proposing a constitutional amendment authorizing establishment of a civil service system for county employees in Bexar County.

H. C. R. No. 148, Directing the Engrossing and Enrolling Clerk to make certain corrections on H. B. No. 637.

Respectfully submitted,  
**DOROTHY HALLMAN,**  
Chief Clerk, House of Representatives

#### House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the committees indicated:

H. C. R. No. 130, to the Committee on Jurisprudence.

H. C. R. No. 132, to the Committee on Jurisprudence.

H. B. No. 847, to the Committee on Jurisprudence.

H. B. No. 731, to the Committee on Insurance.

H. B. No. 215, to the Committee on Jurisprudence.

H. J. R. No. 56, to the Committee on Constitutional Amendments.

#### House Concurrent Resolution 148 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 148, Directing the Engrossing and Enrolling Clerk to make certain corrections in H. B. No. 637.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

#### Senate Bill 625 on First Reading

Senator Jordan moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit her introducing at

this time, a bill, the provisions of which she explained.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Jordan:

S. B. No. 625, A bill to be entitled "An Act relating to the creation of the Criminal District Court No. 7 of Harris County; providing for the court's jurisdiction, terms, personnel, administration, and practice; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Motion to Re-refer House Bill 1164

Senator Berry asked unanimous consent that H. B. No. 1164 be withdrawn from the Committee on Jurisprudence and be re-referred to the Committee on Counties, Cities and Towns.

There was objection.

#### Motion to Adjourn

Senator Creighton moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Senator Strong moved that the Senate take recess until 7:30 o'clock p.m. today.

Question first on the motion to stand adjourned until 10:30 o'clock a.m. tomorrow, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote:

## Yeas—13

Brooks	Parkhouse
Creighton	Patman
Grover	Ratliff
Hardeman	Reagan
Herring	Wade
Jordan	Watson
Moore	

## Nays—16

Aikin	Harrington
Bates	Hightower
Bernal	Kennard
Berry	Mauzy
Blanchard	Schwartz
Christie	Strong
Connally	Wilson
Hall	Word

## Absent

Cole	Hazlewood
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Senator Strong by unanimous consent withdrew the pending motion to take recess until 7:30 o'clock p.m. today.

## Reports of Standing Committees

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 130, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 79, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 78, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 80, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 412, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 425, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1011, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

#### Senate Bill 173 on Third Reading

The Senate resumed the consideration of the pending business, (same being S. B. No. 173 on its third reading with an amendment by Senator Parkhouse pending).

Question—Shall the amendment by Senator Parkhouse to S. B. No. 173 be adopted?

#### Reports of Standing Committees

Senator Christie by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 1183, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.  
WILSON  
SCHWARTZ  
HERRING  
BROOKS

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 625, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

HALL, Chairman.  
WORD  
CHRISTIE

#### Senate Bill 625 Ordered Not Printed

On motion of Senator Jordan and by unanimous consent S. B. No. 625 was ordered not printed.

#### House Bill 1183 Ordered Not Printed

On motion of Senator Christie and by unanimous consent H. B. No. 1183 was ordered not printed.

#### Leave of Absence

Senator Cole was granted leave of absence for the remainder of today on account of illness on motion of Senator Ratliff.

#### Motion to Recess

Senator Reagan moved that the Senate take recess until 10:00 o'clock a.m. tomorrow.

Senator Schwartz moved that the Senate take recess until 7:30 o'clock p.m. today.

Question on the motion to recess until 10:00 o'clock a.m. tomorrow, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote:

#### Yeas—11

Bates	Parkhouse
Blanchard	Ratliff
Creighton	Reagan
Grover	Wade
Hardeman	Watson
Herring	

#### Nays—16

Aikin	Hightower
Bernal	Jordan
Berry	Mauzy
Brooks	Patman
Christie	Schwartz
Connally	Strong
Hall	Wilson
Harrington	Word

#### Absent

Hazlewood	Moore
Kennard	

#### Absent—Excused

Cole

Question recurring on the motion by Senator Schwartz to take recess until 7:30 o'clock p.m. today, the motion was lost.

#### Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 144, Recalling S. B. No. 29 from the Governor's office and authorizing certain corrections therein and recalling H. B. No. 86 to the House for further consideration.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 86, Authorizing corrections in Senate Bill No. 85.

S. B. No. 184, An Act to amend Acts of the 53rd Legislature, relating to the regulation of the practice of veterinary medicine, etc., and declaring an emergency.

(With Amendment.)

S. B. No. 163, An Act permitting the use of certain seines to catch limited amounts of shrimp for personal use on the Gulf beach of Jefferson, Galveston, Chambers, and Brazoria Counties; and declaring an emergency.

S. B. No. 131, An Act relating to the election of directors, quorum and voting of directors, and committee membership of non-profit corporations; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Concurrent Resolution 130 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent H. C. R. No. 130 was ordered not printed.

#### House Concurrent Resolution 130 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 130, Granting permission to the General Insurance Company of America to sue the State of Texas.

The resolution was read second time.

On motion of Senator Kennard, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Bill 437 with House Amendments

By unanimous consent Senator Hazlewood called S. B. No. 437 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Committee Amendment 1

Amend S. B. No. 437 by striking all below the enacting clause and substituting the following:

Section 1. Section 1, Chapter 172, Acts of the 45th Legislature, Regular Session, 1937 (Article 165-3, Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 1. The following definitions shall apply in the interpretation and enforcement of this Act:

"A. Milk. Milk is hereby defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than 8¼ percent milk solids-not-fat and not less than 3¼ percent milkfat. (Milkfat or butterfat is the fat of milk.)

"A-1. Goat Milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word 'milk' shall be interpreted to include goat milk.

"B. Cream. Cream is the sweet, fatty liquid separated from milk, with or without the addition of milk or skim milk, which contains not less than 18 percent milkfat.

"B-1. Light Cream, Coffee Cream, or Table Cream. Light cream, coffee cream, or table cream is cream which contains not less than 18 percent but less than 30 percent milkfat.

"B-2. Whipping Cream. Whipping cream is cream which contains not less than 30 percent milkfat.

"B-3. Light Whipping Cream. Light whipping cream is cream that contains not less than 30 percent but less than 36 percent milkfat.

"B-4. Heavy Cream or Heavy Whipping Cream. Heavy cream or heavy whipping cream is cream which contains not less than 36 percent milkfat.

"B-5. Whipped Cream. Whipped cream is whipping cream into which air or gas has been incorporated. Optional ingredients as defined in this Section under Definition S may be used in these products.

"B-6. Whipped Light Cream, Coffee Cream, or Table Cream. Whipped light cream, coffee cream, or table cream is light cream, coffee cream, or table cream into which air or gas has been incorporated. Optional ingredients as defined in this Section under Definition S may be used in these products.

"B-7. Sour Cream or Cultured Sour Cream. Sour cream or cultured sour cream is a fluid or semifluid cream resulting from the souring, by lactic acid producing bacteria or similar culture, of pasteurized cream, which contains not less than 0.20 percent acidity expressed as lactic acid. Optional ingredients as defined in this Section under Definition S may be used in this product.

"C. Half-and-Half. Half-and-half is a product consisting of a mixture of milk and cream which contains not less than 10.5 percent milkfat. Optional ingredients as defined in this Section under Definition S may be used in this product.

"C-1. Sour Half-and-Half or Cultured Half-and-Half. Sour half-and-half or cultured half-and-half is fluid or semifluid half-and-half derived from the souring, by lactic acid producing bacteria or similar culture, or pasteurized half-and-half, which contains not less than 0.20 percent acidity expressed as lactic acid. Optional ingredients as defined in this Section under Definition S may be used in this product.

"D. Reconstituted or Recombined Milk and Milk Products. Reconstitut-

ed or recombined milk and/or milk products shall mean milk or milk products defined in this section which result from the recombining of milk constituents with potable water. Optional ingredients as defined in this Section under Definition S may be used in these products.

"E. Concentrated Milk. Concentrated milk is a fluid product unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk, which, when combined with potable water, results in a product conforming with the standards for milkfat and solids-not-fat of milk as defined above. Optional ingredients as defined in this Section under Definition S may be used in this product.

"E-1. Concentrated Milk Products. Concentrated milk products shall be taken to mean and to include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, fortified concentrated skim milk, concentrated lowfat milk, fortified concentrated lowfat milk, concentrated flavored milk, concentrated flavored milk products, and similar concentrated products made from concentrated milk or concentrated skim milk, and which, when combined with potable water in accordance with instructions printed on the container, conform with the definition of the corresponding milk products in this section. Optional ingredients as defined in this Section under Definition S may be used in these products.

"F. Skim Milk or Skimmed Milk. Skim milk or skimmed milk is milk from which sufficient milkfat has been removed to reduce its milkfat content to less than 0.50 percent. Optional ingredients as defined in this Section under Definition S may be used in this product.

"G. Lowfat Milk. Lowfat milk is milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to not less than 0.50 percent and not more than 2.0 percent. Optional ingredients as defined in this Section under Definition S may be used in this product.

"H. Vitamin D Milk and Milk Products. Vitamin D milk and milk products are milk and milk products, the vitamin D content of which has been increased by an approved method to at least 400 U.S.P. units per quart. Optional ingredients as defined



in this Section under Definition S may be used in these products.

"I. Fortified Milk and Milk Products. Fortified milk and milk products are milk and milk products other than vitamin D milk and milk products, the vitamin and/or mineral content of which have been increased by a method and in an amount approved by the health authority. Optional ingredients as defined in this Section under Definition S may be used in these products.

"J. Homogenized Milk. Homogenized milk is milk which has been treated to insure breakup of the fat globules to such an extent that, after 48 hours of quiescent storage at 45° F., no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10 percent from the fat percentage of the remaining milk as determined after thorough mixing. The word 'milk' shall be interpreted to include homogenized milk. Optional ingredients as defined in this Section under Definition S may be used in this product.

"K. Flavored Milk or Milk Products. Flavored milk or milk products shall mean milk and milk products as defined in this Act to which has been added a flavor and/or sweetener. Optional ingredients as defined in this Section under Definition S may be used in these products.

"L. Buttermilk. Buttermilk is a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than 8¼ percent of milk solids-not-fat. Optional ingredients as defined in this Section under Definition S may be used in this product.

"L-1. Cultured Buttermilk. Cultured buttermilk is a fluid product resulting from the souring, by lactic acid producing bacteria of similar culture, of pasteurized skim milk or pasteurized lowfat milk. Optional ingredients as defined in this Section under Definition S may be used in this product.

"M. Cultured Milk or Cultured Whole Milk Buttermilk. Cultured milk or cultured whole milk buttermilk is a fluid product resulting from the souring, by lactic acid producing bacteria of similar culture, of pasteurized milk. Optional ingredients as defined in this Section under Definition S may be used in this product.

"N. Acidified Milk and Milk Products. Acidified milk and milk products are milk and milk products obtained by the addition of food grade acids to pasteurized cream, half-and-half, milk, lowfat milk, or skim milk, resulting in a product acidity of not less than 0.20 percent expressed as lactic acid. Optional ingredients as defined in this Section under Definition S may be used in these products.

"O. Milk Products. Milk products include cream, light cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, skim milk, skimmed milk, lowfat milk, fortified milk and milk products, vitamin D milk and milk products, homogenized milk, flavored milk or milk products, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, and acidified milk and milk products. Optional ingredients as defined in this Section under Definition S may be used in these products.

"This definition is not intended to include such products as sterilized milk and milk products hermetically sealed in a container and so processed, either before or after sealing, as to prevent microbial spoilage, or evaporated milk, condensed milk, ice cream and other frozen desserts, butter, dry milk products (except as defined herein), or cheese except when they are combined with other substances to produce any pasteurized milk or milk product defined herein.

"P. Grade 'A' Raw Milk or Milk Products. Grade 'A' raw milk or milk products are milk or milk products which have been produced and handled in accordance with the specifications and requirements as promulgated by the Commissioner of Health and which grade and grade label have been determined and awarded by a City or County Health Officer or by his representative.

"Q. Grade 'A' Pasteurized Milk or Milk Products. Grade 'A' pasteurized milk or milk products are milk or milk products which have been produced and pasteurized in accordance with the specifications and require-

ments as promulgated by the Commissioner of Health and which grade and grade label have been determined and awarded by a City or County Health Officer or by his representative; provided, however, that pasteurization of milk shall not constitute any change in the grade thereof and all milk shall be sold after pasteurization as the same grade as classified before pasteurization.

**"R. Grade 'A' Dry Milk Products.** Grade 'A' dry milk products are milk products which have been produced for use in Grade 'A' pasteurized milk products and which have been manufactured under the provision of Grade 'A' Dry Milk Products—Recommended Sanitation Ordinance and Code for Dry Milk Products used in Grade 'A' Pasteurized Milk Products.

**"S. Optional Ingredients.** Optional ingredients shall mean and include Grade 'A' dry milk products, concentrated milk, concentrated milk products, flavors, sweeteners, stabilizers, emulsifiers, acidifiers, vitamins, minerals, and similar ingredients.

**"T. Adulterated Milk and Milk Products.** Any milk or milk product shall be deemed to be adulterated (1) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (2) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by State or Federal regulation, or in excess of such tolerance if one has been established; (3) if it consists, in whole or in part, of any substance unfit for human consumption; (4) if it has been produced, processed, prepared, packed, or held under insanitary conditions; (5) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or (6) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

**T-1. Misbranded Milk and Milk Products.** Milk and milk products are misbranded (1) when their container(s) bear or accompany any false or misleading written, printed or graphic matter; (2) when such milk and milk products do not conform to their definition as contained in this Act; and (3) when such products are not lab-

eled in accordance with the labeling requirements of the current edition of the United States Public Health Service Milk Ordinance.

**"U. Pasteurization.** The terms 'pasteurization,' 'pasteurized,' and similar terms shall mean the process of heating every particle of milk or milk product to at least 145° F., and holding it continuously at or above this temperature for at least 30 minutes, or to at least 161° F., and holding it continuously at or above this temperature for at least 15 seconds, in equipment which is properly operated and approved by the health authority: Provided, that milk products which have a higher milk fat content than milk and/or contain added sweeteners shall be heated to at least 150° F., and held continuously at or above this temperature for at least 30 minutes, or to at least 166° F., and held continuously at or above this temperature for at least 15 seconds: Provided further, that nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the United States Public Health Service to be equally efficient and which is approved by the State health authority.

**"V. Sanitization.** Sanitization is the application of any effective method or substance to a clean surface for the destruction of pathogens, and of other organisms as far as is practicable. Such treatment shall not adversely affect the equipment, the milk or milk product or the health of consumers, and shall be acceptable to the health authority.

**"W. Milk Producer.** A milk producer is any person who operates a dairy farm and provides, sells, or offers milk for sale to a milk plant, receiving station, or transfer station.

**"X. Milk Hauler.** A milk hauler is any person who transports raw milk and/or raw milk products to or from a milk plant, a receiving or transfer station.

**"Y. Milk Distributor.** A milk distributor is any person who offers for sale or sells to another any milk or milk products.

**"Z. State Health Officer.** The term 'State Health Officer' shall mean the Commissioner of Health of the State of Texas.

**"AA. Health Authority.** The health authority shall mean the city or county health officer or his representative.

The term 'Health Authority,' wherever it appears in these specifications and requirements, shall mean the appropriate agency having jurisdiction and control over the matters embraced within these specifications and requirements.

"BB. Dairy Farm. A dairy farm is any place or premises where one or more cows or goats are kept, and from which a part or all of the milk or milk product(s) is provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

"CC. Milk Plant and/or Receiving Station. A milk plant and/or receiving station is any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled, or prepared for distribution.

"DD. Transfer Station. A transfer station is any place, premises, or establishment where milk or milk products are transferred directly from one transport tank to another.

"EE. Official Laboratory. An official laboratory is a biological, chemical, or physical laboratory which is under the direct supervision of the State or a local health authority.

"FF. Officially Designated Laboratory. An officially designated laboratory is a commercial laboratory authorized to do official work by the supervising agency, or a milk industry laboratory officially designated by the supervising agency for the examination of producer samples of Grade 'A' raw milk for pasteurization.

"GG. Person. The word 'person' shall mean any individual, plant operator, partnership, corporation, company, firm, trustee, or association."

Sec. 2. Section 2, Chapter 172, Acts of the 45th Legislature, Regular Session, 1937 (Article 165-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. The State Health Officer is hereby authorized and empowered to define which shall constitute and to fix the specifications for the production of Grade 'A' raw milk and raw milk products, according to the safety and food value of the same and the sanitary conditions under which the same are produced and handled. Provided, such specifications defined and fixed by the State Health Officer shall be based upon and in harmony with the specifications for these grades of raw milk and raw milk products as set forth

in the current United States Public Health Service Milk Ordinance.

"And the State Health Officer is hereby authorized and empowered to define what shall constitute and to fix the specifications for the production and handling of Grade 'A' pasteurized milk and pasteurized milk products according to the safety and food value of the same, and the sanitary conditions under which the same are produced or handled. Provided, such specifications defined and fixed by the State Health Officer shall be based upon and in harmony with the specifications for these grades of pasteurized milk and pasteurized milk products as set forth in the current United States Public Health Service Milk Ordinance.

"The definitions, specifications and requirements promulgated by the State Health Officer in accordance with the two foregoing paragraphs of this Act shall become effective three months from the date of their promulgation; and the State Health Officer shall furnish printed copies of such grades, specifications, and requirements to County and City Health Officers, at least thirty days before their effective date.

"Any city adopting any specifications and regulations for any grade of milk shall be governed by the specifications and regulations promulgated by the State Health Officer, as herein authorized."

Sec. 3. Section 3, Chapter 172, Acts of the 45th Legislature, Regular Session, 1937 (Article 165-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. Any person, firm, association or corporation desiring to use Grade 'A' labels in representing, publishing or advertising any milk or milk products offered for sale or to be sold within this State, shall make application for a permit to the City Health Officer in any incorporated city where the same is to be sold or offered for sale, for a permit to use any such label in advertising, representing, or labeling such milk or milk products; any person, firm, association or corporation that desires to use Grade 'A' labels in representing, publishing or advertising any milk or milk products offered for sale or to be sold outside of the limits of any incorporated city or town shall make application to the County Health Officer in any county where the same

is to be sold or offered for sale, for a permit to use any such label in advertising, representing, or labeling such milk or milk products; any person, firm, association or corporation desiring to use Grade 'A' labels in representing, publishing or advertising any milk or milk products offered for sale or to be sold both within and without the limits of any incorporated city or town, shall make application to both the City Health Officer and the County Health Officer for a permit to use any such label in advertising, representing, or labeling such milk or milk products.

"Any city or county health officer receiving such application as provided for in this section is hereby authorized and empowered to take the necessary steps to determine and award the grade of the milk or milk products offered for sale by such applicant, according to the requirements of this Act for grade labels. He shall report to the State Health Officer the name or names of all applicants to whom he has awarded permission to use Grade 'A' labels, and shall notify the State Health Officer of all such permits revoked by him; provided, that the State Health Officer may exempt the City Health Officer from making such reports in cities that have adopted milk ordinances which in his judgment make such reports unnecessary."

Sec. 4. Section 4, Chapter 172, Acts of the 45th Legislature, Regular Session, 1937 (Article 165-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. No milk or milk products sold, produced or offered for sale within this State by any person, firm, association or corporation shall carry a label, device or design marked 'Grade A,' or any other grade, statement, design or device, regarding the safety, sanitary quality or food value of the contents of the container which is misleading or which does not conform to the definitions and requirements of this Act.

"No milk or milk products, except those produced or processed by a person, firm, association or corporation having a permit to use a Grade 'A' label under the provisions of this Act and which are produced, treated and handled in accordance with the specifications and requirements fixed and promulgated by the State Health Officer for Grade 'A' milk and milk products, shall be represented, pub-

lished, labeled or advertised as being Grade 'A' milk or Grade 'A' milk products."

Sec. 5. Section 7, Chapter 172, Acts of the 45th Legislature, Regular Session, 1937 (Article 165-3, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 7. Enabling Clause. The governing body of any city in the State of Texas may make mandatory the grading and labeling of milk and milk products sold or offered for sale under the United States Standard Milk Ordinance within their respective jurisdictions; provided such milk or milk products sold or offered for sale shall be covered by the definitions, specifications and regulations promulgated by the Commissioner of Health under Section 2 for Grade 'A' raw milk or milk products, and for Grade 'A' pasteurized milk or milk products, by adopting an ordinance to that effect, and by providing the necessary facilities for determining the grade and for the enforcement of this Act; provided, however, the provisions of this section shall apply only to milk or milk products, sold or offered for sale by any person, partnership, corporation, directly to the consumer of such milk or milk products."

Sec. 6. Section 2, Chapter 394, Acts of the 57th Legislature, Regular Session, 1961 (Article 165-3a, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Section 2. The purpose of this Act is to utilize effectively existing agencies and departments in regulating, processing, and distributing milk and milk products to the end that Texas consumers will be assured of a full supply of wholesome, high quality milk, cream, and milk products by requiring that all Grade 'A' pasteurized milk and/or Grade 'A' raw milk for pasteurization imported into Texas be produced under rules, regulations, and statutes providing standards as high as or higher than those provided by the Texas Milk Grading and Labeling Law, Chapter 172 (codified as Article 165-3, Vernon's Annotated Civil Statutes), Acts of the 45th Legislature, Regular Session, 1937, as amended, and any other statutes, rules, and regulations governing the production of milk in Texas."

Sec. 7. Section 3, Chapter 394, Acts of the 57th Legislature, Regular Session, 1961 (Article 165-3a, Vernon's

Texas Civil Statutes), is hereby amended to read as follows:

"Section 3. From and after the effective date of this Act, no person, officer, or inspector authorized under the laws of this State or any municipality within the State to inspect or regulate the production of fluid milk of whatever quality, shall in anywise approve, grant or issue a permit for, or otherwise authorize Grade 'A' pasteurized milk and/or Grade 'A' raw milk for pasteurization to be imported into this State unless the same is produced in accordance with standards, rules, regulations, and statutes governing the production of milk in the State of Texas; and no such person, officer, or inspector shall in anywise authorize or permit the importation of any Grade 'A' pasteurized milk and/or Grade 'A' raw milk for pasteurization into this State regardless of the grade, unless such person, officer, or inspector, shall certify that such fluid milk was produced under equivalent rules and regulations required for the production of milk in the State of Texas. Provided, however, inspections to approve, grant, issue or maintain a permit for, or otherwise authorize the importation of Grade 'A' pasteurized milk and/or Grade 'A' raw milk for pasteurization into this State shall have inspections made as frequently as, and in the same manner on importing dairy farms, transfer stations, milk plants and/or receiving stations as are made on Texas dairy farms, transfer stations, milk plants and/or receiving stations. Nothing herein shall be construed as requiring any more frequent or different inspections of importing dairy farms, transfer stations, milk plants and/or receiving stations than are made of Texas dairy farms, transfer stations, milk plants and/or receiving stations. Provided, further, that any imported Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization imported into the State of Texas from any dairy farm, transfer station, milk plant, and/or receiving station shall be accompanied to the point of delivery with a manifest listing each importing dairy farm, transfer station, milk plant and/or receiving station permit or certificate number issued by the Texas State Department of Health making up each such separate load of Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization. Provided, further, that

Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization imported into Texas shall not have been commingled prior to importation with any milk not authorized by permit or certificate issued by the Texas State Department of Health to be imported into the State of Texas."

Sec. 8. Section 4, Chapter 394, Acts of the 57th Legislature, Regular Session, 1961 (Article 165-3a, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Section 4. The enforcement of the provisions of this Act shall be the responsibility of the Texas State Health Department, which Department is hereby charged with the duty of enforcing the provisions of this Act. Said Department is hereby authorized to require the payment of a reasonable fee for any inspection required or made in the enforcement of this Act, such fee to be levied against the importing dairy farm, transfer station, milk plant and/or transfer station receiving a permit or other authority for the importation of Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization under this Act. The Texas State Department of Health shall upon receiving application from an importing dairy farm, transfer station, milk plant and/or receiving station desiring a permit or other authority for the importation of Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization into this State, make or cause to be made, by personnel under its jurisdiction, the necessary inspection(s) to determine that full compliance is being made with all standards, rules, regulations, and statutes governing production, processing, pasteurization or bottling of Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization in the State of Texas; and in the event it finds such compliance is being made by said applicant(s), it shall issue a permit to such applicant(s) upon receipt of the prescribed fee."

Sec. 9. Section 5, Chapter 394, Acts of the 57th Legislature, Regular Session, 1961 (Article 165-3a, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Section 5. (a) Any person, firm, association, or corporation who knowingly transports imported Grade 'A' pasteurized or Grade 'A' raw milk for pasteurization into the State of

Texas from dairy farms, transfer stations, milk plants, and/or receiving stations not authorized by permit or certificate issued by the Texas State Department of Health is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five (\$25) Dollars nor more than Two Hundred (\$200) Dollars."

Sec. 10. Chapter 172, Acts of the 45th Legislature, Regular Session, 1937 (Article 169-3, Vernon's Texas Civil Statutes), is amended by adding a Section 9 to read as follows:

"Section 9. Any dairy farm, transfer station, milk plant, and/or receiving station who fails to report immediately any adulterated milk as defined in Section 1 of this Act found by him to the Texas State Department of Health as provided in this Act is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five (\$25) Dollars nor more than Two Hundred (\$200) Dollars."

Sec. 11. Severability Clause. If any provision of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of the Act are declared to be severable.

Sec. 12. Emergency Clause. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Amendment 1

Amend Committee Amendment No. 1 of Senate Bill 437 by deleting Sections 6, 7, 8, 9, and 10 and substituting in lieu thereof new sections "6, 7, 8, 9, and 10."

Sec. 6. Chapter 172, Acts of the 45th Legislature, Regular Session, 1937 (Article 165-3, Vernon's Texas Civil Statutes), is amended by adding a Section 7A to read as follows:

"Section 7A. It shall be the duty of authorized personnel of any health

department, State or municipal, to sample, test, or inspect Grade 'A' pasteurized milk and milk products, or Grade 'A' raw milk and milk products for pasteurization delivered to any milk plant and/or receiving station, or other place of delivery. Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization which comes from beyond the limits of routine inspection of any municipal health department of this State shall be sampled, tested and/or inspected in order to determine if such Grade 'A' pasteurized milk and milk products or Grade 'A' raw milk and milk products for pasteurization meets the standards and requirements of the Texas State Department of Health or municipal ordinances relating to milk and milk products. Such samplings, testing, and inspection of Grade 'A' pasteurized milk and milk products or Grade 'A' raw milk and milk products for pasteurization shall include, in addition to any other tests that may be required, the following:

"(1) plate count or direct microscopic count;

"(2) antibiotics;

"(3) sediments;

"(4) phosphatase;

"(5) checks for water or any elements foreign to the natural contents of Grade 'A' pasteurized milk or milk products or Grade 'A' raw milk or milk products for pasteurization as defined in this Act.

Sec. 7. Section 2, Chapter 394, Acts of the 57th Legislature, Regular Session, 1961 (Article 165-3a, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Section 2. The purpose of this Act is to utilize effectively existing agencies and departments in regulating, processing, and distributing milk and milk products to the end that Texas consumers will be assured of a full supply of wholesome, high quality milk, cream, and milk products by requiring that all Grade 'A' pasteurized milk and/or Grade 'A' raw milk for pasteurization shipped into Texas be produced under rules, regulations, and statutes providing standards as high as or higher than those provided by the Texas Milk Grading and Labeling Law, Chapter 172 (codified as Article 165-3, Vernon's Annotated Civil Statutes), Acts of the 45th Legislature, Regular Session, 1937, as amended, and any other statutes, rules, and



regulations governing the production of milk in Texas."

Sec. 8. Section 3, Chapter 394, Acts of the 57th Legislature, Regular Session, 1961 (Article 165-3a, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Section 3. From and after the effective date of this Act, no person, officer, or inspector authorized under the laws of this State or any municipality within the State to inspect or regulate the production of fluid milk of whatever quality, shall in anywise approve, grant, or issue a permit, certificate, or other authorization for Grade 'A' pasteurized milk and/or Grade 'A' raw milk for pasteurization to be shipped into Texas unless the same is produced in accordance with standards, rules, regulations, and statutes governing the production of milk in the State of Texas; and no such person, officer, or inspector shall in anywise permit, certify, or authorize the shipping of any Grade 'A' pasteurized milk and/or Grade 'A' raw milk for pasteurization into this State regardless of the grade, unless such person, officer, or inspector, shall certify that such fluid milk was produced under equivalent rules and regulations required for the production of milk in the State of Texas. Provided, however, inspections to approve, grant, issue or maintain a permit, certificate, or other authorization for the shipping of Grade 'A' pasteurized milk and/or Grade 'A' raw milk for pasteurization into this State shall have inspections made as frequently as, and in the same manner on dairy farms, transfer stations, milk plants and/or receiving stations shipping into Texas as are made on Texas dairy farms, transfer stations, milk plants and/or receiving stations. Nothing herein shall be construed as requiring any more frequent or different inspections of dairy farms, transfer stations, milk plants and/or receiving stations shipping milk into Texas than are made of Texas dairy farms, transfer stations, milk plants and/or receiving stations. Provided, further, that any Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization shipped into the State of Texas from any dairy farm, transfer station, milk plant, and/or receiving station shall be accompanied to the point of delivery with a manifest specifically listing each such dairy farm, transfer station, milk plant

and/or receiving station permit or certification number issued by the Texas State Department of Health making up each such separate load of Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization to be shipped into Texas. Provided further that Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization shipped into Texas shall not have been commingled prior to shipping with any milk not authorized by permit or certificate issued by the Texas State Department of Health to be shipped into the State of Texas. Provided, however, that the provisions of this Section, shall not be applicable to a dairy farm, transfer station, milk plant and/or receiving station which is now under the routine inspection(s) and supervision of municipalities of the State of Texas."

Sec. 9. Section 4, Chapter 394, Acts of the 57th Legislature, Regular Session, 1961 (Article 165-3a, Vernon's Texas Civil Statutes), is hereby amended to read as follows:

"Section 4. (a) The enforcement of the provisions of this Act shall be the responsibility of the Texas State Health Department, which Department is hereby charged with the duty of enforcing the provisions of this Act. Said Department is hereby authorized to require the payment of a reasonable fee for any inspection required or made in the enforcement of this Act, such fee to be levied against the out-of-State dairy farm, transfer station, milk plant and/or transfer station receiving a permit, certificate, or other authorization for the shipping and delivering of Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization into the State of Texas under this Act. The Texas State Department of Health, upon receiving application from such dairy farm, transfer station, milk plant and/or receiving station desiring a permit or other authority for the shipping and delivering of Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization into this State, shall make or cause to be made, by personnel under its jurisdiction, the necessary inspection(s) to determine that full compliance is being made with all standards, rules, regulations, and statutes governing production, processing, pasteurization or bottling of Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization in the State of Texas; and in the event it finds such com-

pliance is being made by said applicant(s), it shall issue a permit, certificate, or other authorization, to such applicant(s) upon receipt of the prescribed fee. Provided, however, that the provisions of this Section shall not be applicable to a dairy farm, transfer station, milk plant and/or receiving station which is now under the routine inspection(s) and supervision of municipalities of the State of Texas."

"(b) Beginning on the effective date of this Act, any person, firm, association, or corporation wanting to transport Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization into the State of Texas from dairy farms, transfer stations, milk plants and/or receiving stations from outside the State of Texas must apply to the Texas State Health Department for a permit, certificate, or other authorization.

"(c) The Texas State Health Department shall issue a permit, certificate, or other authorization referred to in Subsection (b) of this Section provided the applicant:

"(1) presents satisfactory proof and evidence that he is in compliance with rules, regulations, standards, and requirements prescribed by the Texas State Health Department relating to production, processing and transportation of Grade 'A' pasteurized milk and milk products or Grade 'A' raw milk and milk products for pasteurization; and

"(2) pays a reasonable fee prescribed by the Texas State Health Department, which shall be limited to actual costs of salary and travel of personnel under its jurisdiction in connection with such inspection.

Sec. 10. Section 5, Chapter 394, Acts of the 57th Legislature, Regular Session, 1961 (Article 165-3a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. (a) Any person, firm, association, or corporation who transports Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization into this State from dairy farms, transfer stations, milk plants and/or receiving stations without a permit, certificate, or other authorization issued by the Texas State Health Department under the provisions of Subsections (b) and (c) of Section 4 of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than

Twenty-five (\$25) Dollars nor more than Two Hundred (\$200) Dollars. Provided, however, that the provisions of this Subsection shall not be applicable to a dairy farm, transfer station, milk plant and/or receiving station which is now under the routine inspection(s) and supervision of municipalities of the State of Texas."

"(b) Any person, firm, association, or corporation who holds a permit, certificate, or other authorization issued by the Texas State Health Department to transport Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization into the State of Texas and fails to provide the manifest for each such separate load of milk as required under Section 3 of this Act shall have his permit, certificate, or authorization revoked by the Texas State Health Department."

"(c) Any person, firm, association or corporation who receives any Grade 'A' pasteurized milk or Grade 'A' raw milk for pasteurization from outside the State of Texas from a transporter of milk, dairy farm, transfer station, milk plant and/or receiving station not authorized by permit, certificate, or other authorization issued by the Texas State Health Department as required under Section 3 and 4 of this Act is guilty of a misdemeanor and upon conviction, is punishable by a fine of not less than Twenty-five (\$25) Dollars nor more than Two Hundred (\$200) Dollars."

#### Amendment 2

Amend Senate Bill 437 by amending the caption to conform with body of bill.

The House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hardeman
Bates	Harrington
Bernal	Hazlewood
Berry	Herring
Blanchard	Hightower
Brooks	Jordan
Christie	Kennard
Connally	Mauzy
Creighton	Moore
Grover	Parkhouse
Hall	Patman



Ratliff	Wade
Reagan	Watson
Schwartz	Wilson
Strong	Word

Absent—Excused

Cole

#### Leave of Absence

Senator Blanchard was granted leave of absence for the remainder of today on account of important business on motion of Senator Aikin.

#### House Bill 786 Re-referred

On motion of Senator Hightower and by unanimous consent H. B. No. 786 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

#### Senate Resolution 153 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. R. No. 153, Authorizing the creation of the Committee to Study Condition of Vocational Technical Program Education in Texas.

The resolution was read and was adopted.

#### Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 786, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
CREIGHTON  
WORD

#### Motion to Adjourn

Senator Grover moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—11

Bates	Parkhouse
Christie	Ratliff
Grover	Reagan
Hardeman	Wade
Herring	Watson
Jordan	

Nays—15

Aikin	Kennard
Bernal	Mauzy
Brooks	Patman
Connally	Schwartz
Hall	Strong
Harrington	Wilson
Hazlewood	Word
Hightower	

Absent

Berry	Moore
Creighton	

Absent—Excused

Blanchard	Cole
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#### Senate Bill 173 on Third Reading

The Senate resumed the consideration of the pending business (same being S. B. No. 173 on its third reading with an amendment by Senator Parkhouse pending).

Question—Shall the amendment by Senator Parkhouse to S. B. No. 173 be adopted?

#### Message From the House

Hall of the House of Representatives

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 335, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the counties and parts of counties composing the districts, providing for the election of a member of the Congress of the United States from each district; repealing Chapter 349, Acts of the 59th Legislature, Regular Session, 1965 (Article 179b,

Vernon's Texas Civil Statutes); and declaring an emergency."

(With Amendments.)

H. J. R. No. 64, A bill to be entitled "An Act proposing an amendment to Section 17 of Article IV of the Constitution of the State of Texas, to allow an annual salary in an amount to be fixed by the Legislature for the Lieutenant Governor."

H. B. No. 1161, A bill to be entitled "An Act relating to returns filed by certain manufacturers under the limited sales, excise and use tax; amending Section (C), Article 20.05, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 1360, A bill to be entitled "An Act relating to an additional tax for common school districts in certain counties... and declaring an emergency."

H. B. No. 838, A bill to be entitled "An Act authorizing the State of Texas and each of its political, governmental and administrative subdivisions, departments, agencies, association of public employees, and the governing boards and authorities of each state university, college, common and independent school district, county or political subdivision of a county of the State of Texas to procure group life insurance contracts insuring their respective officials and employees, and authorizing county or political subdivisions of a county of the State of Texas to pay any or all of the premiums on certain group insurance policies insuring officials and employees of the county or subdivision of the county; amending Subsection (a) of Section 1 and adding a new Subsection (c) to Section 1, Article 3.51, Texas Insurance Code, as amended; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 1008, to Committee on State Departments and Institutions.

H. B. No. 838, to Committee on Insurance.

#### Senate Bill 335 With House Amendments

Senator Hall called S. B. No. 335 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Committee Amendment 1

Amend Senate Bill No. 335 by striking all below the enacting clause and substituting the following:

Section 1. The State of Texas is apportioned into Congressional Districts as provided in the following sections. Each district is entitled to elect one Member to the House of Representatives of the Congress of the United States.

Sec. 2. District 1 is composed of Bowie, Camp, Cass, Cherokee, Delta, Franklin, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River, Rusk, Shelby, Titus, Upshur, and Wood counties.

Sec. 3. District 2 is composed of Anderson, Angelina, Hardin, Henderson, Houston, Jasper, Liberty, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, and Walker counties.

Sec. 4. District 3 is composed of that part of Dallas County included in the following:

Beginning at the point where the Elm Fork of the Trinity River intersects the common line between Dallas and Denton counties;

Then south along the Elm Fork of the Trinity River to Valley View Lane;

Then east long Valley View Lane to the Missouri, Kansas and Texas Railroad;

Then north along the Missouri, Kansas and Texas Railroad to Valwood Parkway;

Then east along Valwood Parkway to Webbs Chapel Road;

Then north along Webbs Chapel Road to Crosby Road;

Then east along Crosby Road to Webbs Chapel Road;

Then north along Webbs Chapel Road to Belt Line Road;

Then east along Belt Line Road to Marsh Lane;

Then south along Marsh Lane to Spring Valley Road;

Then east along Spring Valley Road to Dooley Road;

Then south along Dooley Road to Valley View Lane;

Then east along Valley View Lane to Inwood Road;

Then south along Inwood Road to Northwest Highway;

Then east along Northwest Highway to the city limit of University Park;

Then south along the city limit of University Park to the city limit of Highland Park;

Then west, south and east along the city limit line of Highland Park to the Missouri, Kansas and Texas Railroad;

Then southwest along the Missouri, Kansas and Texas Railroad to Fitzhugh Avenue;

Then southeast along Fitzhugh Avenue to Central Expressway;

Then southerly along Central Expressway to Pearl Street;

Then northwesterly along Pearl Street to McKinney Avenue;

Then southwesterly along McKinney Avenue to the Missouri, Kansas & Texas Railroad;

Then southerly along the Missouri, Kansas & Texas Railroad to Young Street;

Then east along Young Street to Central Expressway;

Then south along Central Expressway to the GC&SF Railroad;

Then southwest along the GC&SF railroad, crossing the Trinity River to Corinth Street;

Then south along Corinth Street to Lancaster Road (State Highway No. 342);

Then south along Lancaster Road to Cedardale Road, and the common city limit line between Dallas and Lancaster;

Then west, north, west, south and west along said common city limit line between Dallas and Lancaster to Beckley Avenue (U. S. Highway No. 77);

Then south along Beckley Avenue to the south city limit line of the City of Dallas;

Then west, north and west along the city limit line of Dallas to U. S. Highway No. 67;

Then southwest along U. S. No. 67 to the north city limit line of Cedar Hill;

Then west, north and west along the north line of Cedar Hill to Clark

Road, and the common line between the City of Cedar Hill and the City of Dallas 10.0 foot strip as established by City of Dallas Ordinance No. 9925 on August 19, 1963;

Then south, west, northwest and southwest along the common city limit line between the City of Dallas and Cedar Hill to Belt Line Road;

Then northwest along Belt Line Road to Walnut Creek;

Then west along Walnut Creek to the Dallas-Tarrant County line;

Then north and east along the Dallas County line to the Elm Fork of the Trinity River, the point of origin.

Sec. 5. District 4 is composed of Collin, Fannin, Grayson, Gregg, Hunt, Kaufman, Rains, Rockwall, Smith, and Van Zandt counties and that part of Dallas County included in the following:

Beginning at the point where State Highway 78 intersects the common boundary of Dallas and Collin counties;

Then southwest along State Highway 78 to Sachse Road;

Then southwest and south along Sachse Road to Buckingham Road;

Then west along Buckingham Road to North Star;

Then south along North Star to Avenue D;

Then east along Avenue D to First Avenue;

Then south along First Avenue to Centerville Road;

Then southwest along Centerville Road to the Long Branch of Duck Creek;

Then southeast along the Long Branch of Duck Creek to Oates Drive;

Then southwest along Oates Drive to Barnes Bridge Road;

Then southeast along Barnes Bridge Road to U. S. Highway 67;

Then northeast along U. S. Highway 67 to Belt Line Road;

Then south along Belt Line Road to U. S. Highway 80;

Then east along U. S. Highway 80 to North Mesquite Creek;

Then generally southeast along North Mesquite Creek to the Texas & Pacific Railroad;

Then east along the Texas & Pacific Railroad to the common boundary of Dallas and Kaufman counties;

Then north and west along the boundary of Dallas County to the point of origin.

Sec. 6. District 5 is composed of

that part of Dallas County included in the following:

Beginning at the point where State Highway 78 intersects the common boundary of Dallas and Collin counties;

Then southwest along State Highway 78 to Sachse Road;

Then southwest and south along Sachse Road to Buckingham Road;

Then west along Buckingham Road to an inner corner of the City of Dallas city limit line, a point about one-fourth mile west of Plano Road;

Then south and east with the common city limit line between Dallas and Garland to Groves Road;

Then west along Groves Road and Northwest Highway to the city limit line of University Park;

Then west and south along the city limit line of University Park to the city limit line of Highland Park;

Then west, south and east along the city limit line of Highland Park to the Missouri, Kansas and Texas Railroad;

Then southwest along the Missouri, Kansas and Texas Railroad to Fitzhugh Avenue;

Then southeast along Fitzhugh Avenue to Central Expressway;

Then south along Central Expressway to Pearl Street;

Then northwesterly along Pearl Street to McKinney Avenue;

Then southwesterly along McKinney Avenue to the Missouri, Kansas & Texas Railroad;

Then southerly along the Missouri, Kansas & Texas Railroad to Young Street;

Then east on Young Street to Central Expressway;

Then south along Central Expressway to the GC&SF Railroad;

Then southwest along the GC&SF Railroad, crossing the Trinity River to Corinth Street;

Then south along Corinth Street to Lancaster Road (State Highway No. 342);

Then south along Lancaster Road to Simpson Stewart Road;

Then northeast along Simpson Stewart Road and its extension to the Trinity River;

Then east along the Trinity River and common line between Commissioners Districts Nos. 2 and 3, to the east line of the G. Marcum Survey, Abstract No. 980;

Then north along the east line of G. Marcum Survey, Abstract No. 980,

and said Commissioners District line to Fairport Road extended west;

Then east, to and along Fairport Road, continuing along said Commissioners District line, to Dowdy Ferry Road;

Then north along Dowdy Ferry Road and Pleasant Drive continuing along said Commissioners District line, to Elam Road;

Then west along Elam Road to Buckner Boulevard;

Then north along Buckner Boulevard to Lake June Road;

Then east along Lake June Road to Peachtree Road;

Then south along Peachtree Road to Old Seagoville Road;

Then east along Old Seagoville Road to Seagoville Road;

Then southeast along Seagoville Road to Belt Line Road;

Then southwest along Belt Line Road to Pin Oak Road;

Then southwest and southeast along Pin Oak Road to Belt Line Road;

Then southwest along Belt Line Road to the Trinity River;

Then generally southeast along the Trinity River to the Dallas County line;

Then east, north, and west along the Dallas County line to U. S. Highway 75, the point of beginning.

Sec. 7. District 6 is composed of Austin, Brazos, Ellis, Freestone, Grimes, Hill, Johnson, Leon, Madison, Navarro, Waller, and Washington counties and that part of Dallas County not included in Districts 3, 4, 5 and 13 and that part of Tarrant County south of a line beginning at the point where U. S. Highway 377 intersects the common line between Tarrant and Parker counties;

Then northeast along U. S. Highway 377 to the city limits of Benbrook;

Then in a generally northeast direction along the western city limits of Benbrook to U. S. Highway 377;

Then northeast along U. S. Highway 377 to Edgehill Road;

Then south along Edgehill Road to Old Stove Foundry Road;

Then northeast along Old Stove Foundry Road to Bryant-Irvin Road to the Clear Fork of the Trinity River;

Then in a generally northeast direction along the Clear Fork of the Trinity River to the eastern boundary of Forest Park;

Then southeast along the eastern boundary of Forest Park to Park Place;

Then east along Park Place to the Gulf, Colorado and Santa Fe Railroad;

Then south along the Gulf, Colorado, and Santa Fe Railroad to Bowie Street;

Then east along Bowie Street to 8th Avenue;

Then south along 8th Avenue to Biddison Street;

Then east along Biddison Street to Hemphill Street;

Then south along Hemphill Street to Seminary Drive;

Then east along Seminary Drive to the city limits of Fort Worth;

Then east, northwest, and southeast along the city limits of Fort Worth to Wichita Street;

Then north along Wichita Street to Martin Street;

Then east along Martin Street to Miller Avenue;

Then north along Miller Avenue to Poly-Webb Road;

Then east along Poly-Webb Road to Interstate Highway 820;

Then northeast along Interstate Highway 820 to Willard Road;

Then east along Willard Road to the common city limits of Fort Worth and Arlington;

Then generally south, northeast and east along the western and southern city limits of Arlington to the city limits of Grand Prairie;

Then east along the southern city limits of Grand Prairie to its intersection with the common line of Tarrant and Dallas counties.

Sec. 8. District 7 is composed of that part of Harris County included in the following:

Beginning with the point where Willow Creek crosses the boundary of Harris and Montgomery counties westerly along Willow Creek with its meanders to the point where it intersects Kuykendahl Road;

Then southeasterly along Kuykendahl Road to the point where same enters U. S. Highway 75;

Then southerly along U. S. Highway 75 to the point where same is intersected by Greens Bayou;

Then easterly along Greens Bayou with its meanders to the point where same intersects the right-of-way referred to as the I&GN Railroad right-of-way (the Houston Belt and Terminal Railroad tracks generally parallel to Hardy Street);

Then along such railroad right-of-way to the point where the said tracks cross Buffalo Bayou;

Then along Buffalo Bayou in a westerly direction with its meanders to the point where same intersects Main Street;

Then southwesterly along Main Street to the point where the same intersects the T&NO Railroad;

Then southwesterly along the T&NO Railroad to the point where the same intersects Hillcroft Street;

Then southerly along Hillcroft Street to the point where the same enters U. S. Highway 90A;

Then southwesterly along U. S. Highway 90A to the point where the same intersects Blue Ridge Street;

Then southerly along Blue Ridge Street to the point where the same intersects the boundary between Harris and Fort Bend counties;

Then beginning in a northwesterly direction following the Harris County boundary to the point of origin.

Sec. 9. District 8 is composed of that part of Harris County included in the following:

Beginning with the point where Willow Creek crosses the boundary of Harris and Montgomery counties westerly along Willow Creek with its meanders to the point where it intersects Kuykendahl Road;

Then southeasterly along Kuykendahl Road to the point where same enters U. S. Highway 75;

Then southerly along U. S. Highway 75 to the point where same is intersected by Greens Bayou;

Then easterly along Greens Bayou with its meanders to the point where same intersects the right-of-way referred to as the I&CN Railroad right-of-way (the Houston Belt and Terminal Railroad tracks generally parallel to Hardy Street);

Then along such railroad right-of-way to the point where the said tracks cross Buffalo Bayou;

Then along Buffalo Bayou in a westerly direction with its meanders to the point where same intersects Main Street;

Then southwesterly along Main Street to its intersection with Tuam Street;

Then southeasterly along Tuam Street to its intersection with Bastrop Street;

Then northeasterly along Bastrop Street to its intersection with McGowen Street;

Then southeasterly along McGowen

Street to the point where it is crossed by the Houston Belt and Terminal Railroad;

Then northeasterly along the Houston Belt and Terminal Railroad right-of-way to Interstate Highway 45 (sometimes known as the Gulf Freeway);

Then southeasterly along Interstate Highway 45 (sometimes known as the Gulf Freeway) to Plum Creek;

Then northerly and easterly along Plum Creek with its meanders to its intersection with Sims Bayou;

Then northerly and easterly along Sims Bayou with its meanders to its intersection with the Houston Ship Channel;

Then easterly along the Houston Ship Channel to the Harris County boundary line;

Then following the Harris County boundary line following its east and north boundaries to the point of origin.

Sec. 10. District 9 is composed of Chambers, Galveston, and Jefferson counties and that part of Brazoria County included in the following:

Beginning at the point where the eastern boundary of Brazoria County intersects the shoreline of West Bay;

Then generally west along the shoreline of West Bay, Chocolate Bay, and Bastrop Bay to Bastrop Bayou;

Then generally west along Bastrop Bayou to the Old Angleton-Clute Road;

Then south along the Old Angleton-Clute Road to Farm-to-Market Road 2004;

Then generally west along Farm-to-Market Road 2004 to State Highway 332;

Then west along State Highway 332 to Ridge Bayou;

Then south along Ridge Bayou to the Brazos River;

Then generally west along the Brazos River to State Highway 332;

Then west along State Highway 332 to the city limits of Brazoria;

Then generally west and south along the northern and western city limits of Brazoria to Farm-to-Market Road 521;

Then generally south along Farm-to-Market Road 521 to the San Bernard River;

Then generally northwest along the San Bernard River to the common boundary between Brazoria and Fort Bend counties;

Then east and south along the

Brazoria County line to the point of origin.

Sec. 11. District 10 is composed of Bastrop, Blanco, Burleson, Caldwell, Colorado, Fayette, Fort Bend, Hays, Lee, Travis, Wharton, and Williamson counties.

Sec. 12. District 11 is composed of Bell, Bosque, Coryell, Falls, Hood, Limestone, McLennan, Milam, Parker, Robertson, and Somervell counties.

Sec. 13. District 12 is composed of that part of Tarrant County not included in District 6.

Sec. 14. District 13 is composed of Archer, Baylor, Childress, Clay, Cooke, Cottle, Denton, Dickens, Foard, Hardeman, Jack, Kent, King, Knox, Montague, Stonewall, Wichita, Wilbarger, Wise, and Young counties, and that part of Dallas County included in the following:

Beginning at the point where the Elm Fork of the Trinity River intersects the common line between Dallas and Denton counties;

Then south along the Elm Fork of the Trinity River to Valley View Lane;

Then east along Valley View Lane to the Missouri, Kansas and Texas Railroad;

Then north along the Missouri, Kansas and Texas Railroad to Valwood Parkway;

Then east along Valwood Parkway to Webb's Chapel Road;

Then north along Webb's Chapel Road to Crosby Road;

Then east along Crosby Road to Webb's Chapel Road;

Then north along Webb's Chapel Road to Belt Line Road;

Then east along Belt Line Road to Marsh Lane;

Then south along Marsh Lane to Spring Valley Road;

Then east along Spring Valley Road to Dooley Road;

Then south along Dooley Road to Valley View Lane;

Then east along Valley View Lane to Inwood Road;

Then south along Inwood Road to Northwest Highway;

Then east along Northwest Highway and Groves Road to the common city limit line between Dallas and Garland;

Then north, west, and north along the common city limit line between Dallas and Garland to Buckingham Road;

Then east along Buckingham Road to Sachse Road;

Then northeast along Sachse Road to State Highway 78;

Then northeast along State Highway 78 to the Dallas County line;

Then west along the Dallas County line to the Elm Fork of the Trinity River, the point of origin.

Sec. 15. District 14 is composed of Aransas, Calhoun, Jackson, Matagorda, Nueces, Refugio, San Patricio, and Victoria counties and that part of Brazoria County not included in District 9.

Sec. 16. District 15 is composed of Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Kleberg, Starr, Willacy, and Zapata counties.

Sec. 17. District 16 is composed of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, and Winkler counties.

Sec. 18. District 17 is composed of Brown, Burnet, Callahan, Coke, Coleman, Comanche, Concho, Eastland, Erath, Fisher, Glasscock, Hamilton, Haskell, Howard, Jones, Lampasas, Llano, Mason, McCulloch, Menard, Mills, Mitchell, Nolan, Palo Pinto, Runnels, San Saba, Shackelford, Stephens, Sterling, Taylor, and Throckmorton counties.

Sec. 19. District 18 is composed of Armstrong, Bailey, Briscoe, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lamb, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler counties.

Sec. 20. District 19 is composed of Andrews, Borden, Cochran, Crosby, Dawson, Floyd, Gaines, Garza, Hockley, Lubbock, Lynn, Martin, Midland, Motley, Scurry, Terry, and Yoakum counties.

Sec. 21. District 20 is composed of that part of Bexar County not included in Districts 21 and 23.

Sec. 22. District 21 is composed of Bandera, Comal, Crane, Crockett, Ector, Edwards, Gillespie, Irion, Kendall, Kerr, Kimble, Kinney, Reagan, Real, Schleicher, Sutton, Tom Green, Upton, Uvalde, and Val Verde counties, and that part of Bexar County included in the following:

Beginning at the point where Culebra Road intersects the common boundary of Bexar and Medina counties;

Then southeast along Culebra Road to Rogers Road;

Then south along Rogers Road to Potranco Road;

Then southwest along Potranco Road to Medio Creek;

Then southeast along Medio Creek to Castroville Road;

Then southwest along Castroville Road to Pue Road;

Then south along Pue Road to Nelson Road;

Then east and southeast along Nelson Road to Pearsall Road;

Then northeast along Pearsall Road to the southern limits of Kelly Air Force Base;

Then generally west, north, and east along the southern, western, and northern limits of Kelly Air Force Base and Lackland Air Force Base to Castroville Road;

Then east along Castroville Road to 36th Street;

Then north along 36th Street to Commerce Street;

Then east along Commerce Street to Clements Street;

Then north along Clements Street to Mayberry Avenue;

Then west along Mayberry Avenue to Camino Santa Maria;

Then north along Camino Santa Maria to Woodlawn Avenue;

Then east along Woodlawn Avenue to St. Cloud Road;

Then north along St. Cloud Road to Shadwell Drive;

Then east along Shadwell Drive to Wilson Boulevard;

Then north along Wilson Boulevard to North Drive;

Then east along North Drive to Fredericksburg Road;

Then northwest along Fredericksburg Road to West Ridgewood Court;

Then east along West Ridgewood Court to West Avenue;

Then north along West Avenue to Mariposa Street;

Then east along Mariposa to San Pedro Avenue;

Then south along San Pedro Avenue to Norwood Court;

Then east along Norwood Court to the boundary line of Olmos Park;

Then east along the southern and north along the eastern boundary of Olmos Park to Olmos Dam;

Then northeast along Olmos Dam to the boundary of Alamo Heights;

Then south and east along the southern boundary of Alamo Heights to the boundary of Terrell Hills;

Then east along the southern and north along the eastern boundary of Terrell Hills to the northern boundary of Fort Sam Houston;

Then east along the northern and south along the eastern boundary of Fort Sam Houston to the Texas and New Orleans Railroad;

Then northeast along the Texas and New Orleans Railroad to the city limits of San Antonio;

Then north along the city limits of San Antonio to U. S. Highway 81;

Then northeast along U. S. Highway 81 to Sherri Ann Road;

Then northeast and east along Sherri Ann Road to Weldner Road;

Then south along Weldner Road to Walzem Road;

Then southeast along Walzem Road to the Texas & New Orleans Railroad;

Then northeast along the Texas & New Orleans Railroad to the common boundary of Bexar and Guadalupe counties;

Then generally northwest, west, and south along the boundary of Bexar County to the point of origin.

Sec. 23. District 22 is composed of that part of Harris County included in the following:

Beginning at the intersection of the center line of Blue Ridge Street with the boundary line between Harris and Fort Bend counties;

Then northerly along Blue Ridge Street to the point where Blue Ridge Street enters U. S. Highway 90A;

Then in a northeasterly direction along U. S. Highway 90A to the point where Hillcroft Street enters U. S. Highway 90A;

Then northerly along Hillcroft Street to the point where the same intersects the T&NO Railroad right-of-way;

Then in a northeasterly direction along the T&NO Railroad to the point where the same intersects Main Street;

Then northeasterly along Main Street to its intersection with Tuam Street;

Then southeasterly along Tuam Street to its intersection with Bastrop Street;

Then northeasterly along Bastrop Street to its intersection with McGowen Street;

Then southeasterly along McGowen Street to the point where it is crossed by the Houston Belt and Terminal Railroad;

Then northeasterly along the Houston Belt and Terminal Railroad right-of-way to Interstate Highway 45 (sometimes known as the Gulf Freeway);

Then southeasterly along Interstate Highway 45 (sometimes known as the Gulf Freeway) to Plum Creek;

Then northerly and easterly along Plum Creek with its meander to its intersection with Sims Bayou;

Then northerly and easterly along Sims Bayou with its meander to its intersection with the Houston Ship Channel;

Then easterly along the Houston Ship Channel to the Harris County boundary line;

Then following the Harris County boundary line southerly and westerly to the point of origin.

Sec. 24. District 23 is composed of Atascosa, Bee, De Witt, Dimmit, Duval, Frio, Goliad, Gonzales, Guadalupe, Jim Wells, Karnes, La Salle, Lavaca, Live Oak, Maverick, McMullen, Medina, Webb, Wilson, and Zavala counties and that part of Bexar County included in the following:

Beginning at the point where Culebra Road intersects the common boundary of Bexar and Medina counties;

Then southeast along Culebra Road to Rogers Road;

Then south along Rogers Road to Potranco Road;

Then southeast along Potranco Road to Medio Creek;

Then southwest along Medio Creek to Castroville Road;

Then southwest along Castroville Road to Pue Road;

Then south along Pue Road to Nelson Road;

Then east and southeast along Nelson Road to Pearsall Road;

Then northeast along Pearsall Road to the southern limits of Kelly Air Force Base;

Then east and north along the southern and eastern limits of Kelly Air Force Base to Military Road;

Then east along Military Road to Pleasanton Road;

Then south along Pleasanton Road to Ware Street;

Then east along Ware Street to Flores Street;

Then south along Flores Street to Airport Road;

Then east along Airport Road to Roosevelt Avenue;



Then north along Roosevelt Avenue to Military Highway;

Then southeast along Military Highway to the boundary of Brooks Air Force Base;

Then south along the western, east along the southern, and north along the eastern boundary of Brooks Air Force Base to Goliad Road;

Then north along Goliad Road to Hot Wells Avenue;

Then west along Hot Wells Avenue to Clark Avenue;

Then north along Clark Avenue to Grover Street;

Then east along Grover Street to Dollarhide Street;

Then north along Dollarhide Street to Hiawatha Street;

Then east along Hiawatha Street to Elgin Street;

Then north along Elgin Street to Villa Real Street;

Then east along Villa Real Street to Mozart Street;

Then north along Mozart Street to Hicks Avenue;

Then east along Hicks Avenue to Amanda Avenue;

Then north along Amanda Avenue to Rigsby Avenue;

Then east along Rigsby Avenue to Artesia Avenue;

Then north along Artesia Avenue to Nebraska Street;

Then west along Nebraska Street to the Missouri, Kansas and Texas Railroad;

Then north along the Missouri, Kansas and Texas Railroad to the boundary of Fort Sam Houston;

Then north along the eastern boundary of Fort Sam Houston to the Texas and New Orleans Railroad;

Then northeast along the Texas and New Orleans Railroad to the city limits of San Antonio;

Then north along the city limits of San Antonio to U. S. Highway 81;

Then northeast along U. S. Highway 81 to Sherri Ann Road;

Then northeast and east along Sherri Ann Road to Weldner Road;

Then south along Weldner Road to Walzem Road;

Then southeast along Walzem Road to the Texas & New Orleans Railroad;

Then northeast along the Texas & New Orleans Railroad to the common boundary of Bexar and Guadalupe counties;

Then southeast, southwest, northwest, and north along the boundary

of Bexar County to the point of origin.

Sec. 25. Wherever in this Act reference is made to a city limit it means the city limit as it existed in 1960 as reflected in census tract maps prepared and published by the United States Bureau of the Census. Whenever a street, highway, road, drive, avenue, railroad, or other identification is named to define the boundary of a district it means the center line of the boundary identification. Whenever a street or other boundary identification is described as intersecting another street or boundary identification and they do not actually intersect, the named streets or boundary identifications shall be deemed to extend so as to intersect one another.

Sec. 26. Chapter 349, Acts of the 59th Legislature, Regular Session, 1965 (Article 197b, Vernon's Texas Civil Statutes), is repealed.

Sec. 27. Nothing in this Act shall affect the tenure in office of the present delegation in Congress, but this Act takes effect for the general election in 1968, and thereafter until this law is changed by the Legislature of this state.

Sec. 28. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Amendment 2

Amend Committee Amendment No. 1 to Senate Bill No. 335 by striking Section 6 and substituting the following:

Sec. 6. District 5 is composed of that part of Dallas County including the following:

Beginning at the point where the Texas & Pacific Railroad intersects the common boundary of Dallas and Kaufman counties;

Then west along the Texas & Pacific Railroad to North Mesquite Creek;

Then generally northwest along North Mesquite Creek to U. S. Highway 80;

Then west along U. S. Highway 80 to Belt Line Road;

Then north along Belt Line Road to U. S. Highway 67;

Then southwest along U. S. Highway 67 to Barnes Bridge Road;

Then northwest along Barnes Bridge Road to Oates Drive;

Then northeast along Oates Drive to the Long Branch of Duck Creek;

Then northwest along the Long Branch of Duck Creek to Centerville Road;

Then northeast along Centerville Road to First Avenue;

Then north along First Avenue to Avenue D;

Then west along Avenue D to North Star Road;

Then north along North Star Road to Buckingham Road;

Then west along Buckingham Road to an inner corner of the City of Dallas city limit line, a point about one-fourth mile west of Plano Road;

Then south and east with the common city limit line between Dallas and Garland to Groves Road;

Then west along Groves Road and Northwest Highway to the city limit line of University Park;

Then west and south along the city limit line of University Park to the city limit line of Highland Park;

Then west, south and east along the city limit line of Highland Park to the Missouri, Kansas and Texas Railroad;

Then southwest along the Missouri, Kansas and Texas Railroad to Fitzhugh Avenue;

Then southeast along Fitzhugh Avenue to Central Expressway;

Then south along Central Expressway to Pearl Street;

Then northwesterly along Pearl Street to McKinney Avenue;

Then southwesterly along McKinney Avenue to the Missouri, Kansas & Texas Railroad;

Then southerly along the Missouri, Kansas & Texas Railroad to Young Street;

Then east on Young Street to Central Expressway;

Then south along Central Expressway to the GC&SF Railroad;

Then southwest along the GC&SF Railroad, crossing the Trinity River to Corinth Street;

Then south along Corinth Street to Lancaster Road (State Highway No. 342);

Then south along Lancaster Road to Simpson Stewart Road;

Then northeast along Simpson

Stewart Road and its extension to the Trinity River;

Then east along the Trinity River and common line between Commissioners Districts Nos. 2 and 3, to the east line of the G. Marcum Survey, Abstract No. 980;

Then north along the east line of G. Marcum Survey, Abstract No. 980, and said Commissioners District line to Fairport Road extended west;

Then east, to and along Fairport Road, continuing along said Commissioners District line, to Dowdy Ferry Road;

Then north along Dowdy Ferry Road and Pleasant Drive continuing along said Commissioners District line, to Elam Road;

Then west along Elam Road to Buckner Boulevard;

Then north along Buckner Boulevard to Lake June Road;

Then east along Lake June Road to Peachtree Road;

Then south along Peachtree Road to Old Seagoville Road;

Then east along Old Seagoville Road to Seagoville Road;

Then southeast along Seagoville Road to Belt Line Road;

Then southwest along Belt Line Road to Pin Oak Road;

Then southwest and southeast along Pin Oak Road to Belt Line Road;

Then southwest along Belt Line Road to the Trinity River;

Then generally southeast along the Trinity River to the Dallas County line;

Then east and north along the Dallas County line to the Texas & Pacific Railroad, the point of origin.

### Amendment 3

Amend Committee Amendment No. 1 to Senate Bill No. 335 as follows;

1. Add the words Fort Bend between the words Ellis and Freestone in Section 7;

2. Strike all of Section 10 and substitute the following:

Sec. 10. District 9 is composed of Chambers, Galveston, and Jefferson Counties.

3. Delete the words Fort Bend from Section 11 and add the word Jackson between the words Hays and Lee;

4. Strike all of Section 15 and substitute the following:

Sec. 15. District 14 is composed of Aransas, Brazoria, Calhoun, Mata-

gorda, Nueces, Refugio, San Patricio, and Victoria counties.

The House amendments were read.

Senator Hall moved that the Senate concur in the House amendments.

Question—Shall the Senate concur in House amendments to S. B. No. 335?

#### Motion to Adjourn

Senator Grover moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

#### Yeas—7

Grover	Jordan
Hardeman	Parkhouse
Herring	Ratliff
Hightower	

#### Nays—20

Aikin	Kennard
Bates	Mauzy
Bernal	Patman
Berry	Reagan
Brooks	Schwartz
Christie	Strong
Connally	Wade
Hall	Watson
Harrington	Wilson
Hazlewood	Word

#### Absent

Creighton	Moore
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#### Absent—Excused

Blanchard	Cole
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(Senator Kennard in the Chair.)

#### House Bill 757 Re-referred

On motion of Senator Brooks, and by unanimous consent, H. B. No. 757 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities, and Towns.

#### Senate Bill 426 on Second Reading

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 426, A bill to be entitled "An Act amending Section 7 of Article 8306, Revised Civil Statutes of Texas, so as to require the providing of medical reports to employees under certain conditions and providing for alternatives when such reports are not furnished; and declaring an emergency."

The bill was read second time.

Senator Wilson offered the following amendment to the bill:

Amend S. B. No. 426, Section 1, line 37, by striking the quotation marks following the word "association" in the last line of the section and inserting the following:

"The provisions of this section relating to furnishing services to an employee for or in behalf of or at the expense of the association shall likewise apply to the furnishing of services to an employee for or in his own behalf or at his own expense. The employer or association has the same right to obtain a full and complete written report of services furnished and the diagnosis and prognosis as the employee, and failure or refusal timely to provide such a report to the employer or association upon request shall render inadmissible as evidence any report provided to the employee or other person with respect to services furnished to the employee or the diagnosis or prognosis. Upon such failure or refusal, the employer or association shall be entitled to obtain similar services and a report from a similarly qualified person at the expense of the employee."

The amendment was read and was adopted.

On motion of Senator Wilson, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Vote

Senator Hazlewood asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Senate Bill 426 on Third Reading

Senator Wilson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three

several days be suspended and that S. B. No. 426 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	Parkhouse
Brooks	Patman
Christie	Ratliff
Connally	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Herring	Wilson
Hightower	Word

**Nays—1**

Hazlewood

**Absent**

Creighton                  Moore

**Absent—Excused**

Blanchard                  Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Vote**

Senator Hazlewood asked to be recorded as voting "Nay" on the final passage of the bill.

(President in the Chair.)

**Senate Bill 335 With  
House Amendments**

The Senate resumed the consideration of the pending business (same being the motion by Senator Hall to concur in the House amendments to S. B. No. 335.)

Question—Shall the Senate concur in the House amendments to S. B. No. 335?

Senator Reagan raised the Point of Order that there was not a quorum of the Senate present.

The President directed the Secretary of the Senate to call the roll for

the purpose of ascertaining if a quorum of the Senate was present.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Mauzy
Berry	Parkhouse
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Connally	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word
Hightower	

**Absent**

Bernal	Kennard
Creighton	Moore
Grover	

**Absent—Excused**

Cole

The President announced a quorum of the Senate present.

Senator Mauzy moved that the Senate do not concur in the House amendments to S. B. No. 335 and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

Senator Strong raised the Point of Order that a motion to concur took precedence over any other motion.

The President sustained the Point of Order.

Question—Shall the Senate concur in the House amendments to S. B. No. 335?

The motion to concur prevailed.

**Record of Votes**

Senators Herring, Mauzy, Schwartz, Wade, Hardeman, Kennard and Grover asked to be recorded as voting "Nay" on the motion to concur in the House amendments to S. B. No. 335.

**Reason for Vote**

The Congressional Redistricting Bill is not a good bill or a fair bill but a partisan and likely unconstitutional bill.

The final bill is grossly unfair and was designed to maintain the rural Democrat power structure, a fact very apparent by the extension of rural congressional districts into the major metropolitan areas of Dallas and San Antonio. This fact is further emphasized by the length of some districts as well as the splitting of areas of common economic, social and political interests like Midland and Ector Counties.

In addition, this measure was passed very rapidly through the Senate only a few hours after it came out of committee without an opportunity to study it. The Conference Committee report was handled in a manner even more rapid than that. It passed both the House and the Senate on the same afternoon.

This bill, like the one passed by the 59th Legislature, has nearly the same population discrepancies, and at no time was it legislative intention to pass a bill giving the people fair representation.

GROVER

#### Reason for Vote

I was off of the Senate floor to counsel with Bexar County House Members when the vote was taken on the concurrence in House amendments to S. B. No. 335, the Congressional Re-apportionment Bill. I have consistently opposed the bill and if I had been present on the floor, I would have voted "Nay" on the motion to concur.

BERNAL

#### Senate Bill 173 on Third Reading

The Senate resumed the consideration of the pending business (same being S. B. No. 173 on its third reading with an amendment by Senator Parkhouse pending).

Question—Shall the amendment by Senator Parkhouse to S. B. No. 173 be adopted?

#### House Bill 1164 Re-referred

On motion of Senator Berry, and by unanimous consent, H. B. No. 1164 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities, and Towns.

#### Senate Resolution 707

Senator Connally offered the following resolution:

Whereas, Senate Bill No. 431 has passed the Senate and is now in the Senate Enrolling Room; and

Whereas, The words "and renumber the succeeding section to conform" were inadvertently omitted; now, therefore, be it

Resolved, That the Senate Enrolling Clerk be directed to add the words "and renumber the succeeding section to conform" to the substitute amendment offered to Committee Amendment No. 1.

The resolution was read and was adopted.

#### Welcome and Congratulatory Resolutions

S. R. No. 699—By Senator Watson: Extending welcome and privileges of the floor for the day to Raymond Hughes Dillard and Jack K. Dillard.

S. R. No. 702—By Senator Word: Extending welcome to teachers and students of Milford High School Senior Class.

S. R. No. 705—By Senator Blanchard: Extending congratulations to Dr. O. Brandon Hull and John Logan.

S. R. No. 706—By Senator Watson: Extending congratulations to Dr. Alden S. Lang.

#### Adjournment

On motion of Senator Hightower the Senate at 6:37 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

#### APPENDIX

#### Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 78, An Act relating to travel and other necessary expenses of district judges and district attorneys paid by the state; amending Section 2, Chapter 231, Acts of the 56th

Legislature, Regular Session, 1959 (Article 6823a, Vernon's Texas Civil Statutes); amending Article 6820, Revised Civil Statutes of Texas, 1925, as amended; repealing Article 6823, revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 535, An Act authorizing the creation, establishment, maintenance and operation of a Hospital District within the territory of the Blanco Independent School District lying in Blanco and Kendall Counties, Texas, pursuant to Article IX, Section 9, Constitution of Texas, to be known as Blanco Memorial Hospital District; defining the boundaries; finding the boundaries form a closure; defining rights, powers, authority, duties and responsibilities of District; providing for an election and procedure to authorize creation of District with authority to levy annual taxes at not to exceed seventy-five cents on one hundred dollar valuation of all taxable property within district to pay bonds and maintenance and operating expenses and for improvements and additions to the hospital system; providing for subsequent elections; providing for Board of Trustees and for their qualifications and bonds; naming the first Board of Trustees; providing for trustee elections; providing for trustees to fill vacancies; providing for the organization of the Board of Trustees; providing for a secretary pro tem; providing for employment of engineers, architects, attorneys, auditors and other employees; providing for the administration of the hospital system; providing for an administrator and assistant; providing for contracts for care of persons; providing for contracts for establishment or continuation of retirement programs; providing for accounting and control procedures and audits; providing for the power of eminent domain within the boundaries of the

District; providing for depositories and related matters; providing for care of eligible needy and indigent persons; providing for determination of patients' ability to pay and related matters and for rights and remedies in connection therewith; providing for the issuance of bonds and refunding bonds of the District and levy of taxes therefor; providing for authorization and execution of bonds and refunding bonds and for the approval by the Attorney General and registration by the Comptroller and for the incontestability of such bonds and refunding bonds; providing for manner, methods, procedures and ways of voting and authorizing bonds; providing for the option of adopting the provisions of the general law applicable to water control and improvement districts, except where in conflict, pertaining to the powers, privileges, authority and duties related to taxation and the mechanics of assessing, equalizing and collecting taxes and related matters; providing for the option of adopting the laws and proceedings applicable to Blanco Independent School District for the rendition, assessment, equalization, levy and collection of taxes and using the tax rolls of such School District within the area of the Hospital District; adopting the ad valorem plan of taxation; providing for acceptance of gifts, donations and endowments; providing District to be a political subdivision of the state; providing for purchasing procedures; providing for tax-free status of District and its bonds and related matters; providing bonds and refunding bonds to be eligible investments; finding that requirements of notice of Article IX, Section 9, Constitution of Texas, have been accomplished; providing a severability clause; finding a benefit to all lands and taxable property within the District; and enacting other provisions related to the aforementioned subjects; authorizing the use of net revenues for hospital purposes and to be used to pay principal and interest on bonds or refunding bonds or to be used for sinking funds or to comply with requirements of the authorizing order or resolution and defining the term "net revenues"; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 564, An Act providing maximum compensation for assessor-collectors of taxes for all counties having a population of not less than 600,000 nor more than 900,000 according to the last preceding Federal Census; repealing Chapter 248, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 370, An Act relating to the authority of the Board of Directors of Texas A&M University to acquire and dispose of the land and permanent improvements of the James Connally Air Force Base, and to issue revenue bonds for acquiring and constructing land and permanent improvements; adding Sections 4A and 4B to, and amending Section 1 of, Chapter 91, Acts of the 59th Legislature, Regular Session, 1965 (Article 2615f-1, Vernon's Texas Civil Statutes); and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 402, An Act amending Section 1, Chapter 553, Acts of the 59th Legislature, Regular Session, 1965 (Article 1581g, Vernon's Texas Civil Statutes), to allow the County

Judge of certain counties to appoint a County Industrial Commission; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 383, An Act amending Section 1 of Chapter 202, Acts of the 56th Legislature, Regular Session, 1959, codified as Article 2326j-5 Vernon's Texas Civil Statutes, providing for the compensation of the official shorthand reporter of the 79th Judicial District of Texas; providing the manner of payment; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled bills, to which was referred:

S. J. R. No. 32, A Joint Resolution proposing an amendment to Article VIII of the Constitution of the State of Texas by adding a Section 1-e providing for a gradual abolition of the property tax levied by Article VII, Section 3; an abolition of the Two Cent ad valorem tax levied by Article VII, Section 17, after December 31, 1976; and providing for deletion of references to ad valorem taxes in Article III, Section 51.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 292, An Act concerning

an optional retirement program for teachers and administrative personnel employed by state-supported institutions of higher education and annuity and insurance contracts issued for these and related purposes; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

May 23, 1967

S. B. No. 292

S. B. No. 78

S. B. No. 535

S. B. No. 564

S. B. No. 370

S. B. No. 402

S. B. No. 383

S. J. R. No. 32

S. C. R. No. 78

S. C. R. No. 84

S. C. R. No. 82

S. C. R. No. 80

S. C. R. No. 79

S. C. R. No. 77

S. C. R. No. 61

S. C. R. No. 46



In Memory of

**Mrs. Bernard Hanks**

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By unanimous consent Senator Hardeman offered the following resolution:

(Senate Resolution 704)

Whereas, The interesting and varied career of a distinguished Texas publisher and leader in civic and state affairs came to a close on Wednesday, May 17, 1967, with the death at the age of 82 of Mrs. Bernard Hanks, president of The Reporter Publishing Company in Abilene; and

Whereas, Mrs. Hanks had headed the publishing company since the death of her husband in December of 1948; she was also a partner with Houston Harte of San Angelo in Harte-Hanks, Inc., the largest group of newspapers in Texas; in addition to the Abilene Reporter-News and the San Angelo Standard-Times, which each partner owned independently, the Harte-Hanks group includes the San Antonio Express and Evening News, the Corpus Christi Caller and Times, the Big Spring Herald, the Marshall News-Messenger, the Paris News, the Denison Herald, the Greenville Herald-Banner, the Commerce Journal, the Corsicana Sun and Semi-Weekly Light, and the Huntsville Item; and

Whereas, Mrs. Hanks, the former Eva May Hollis, was the daughter of a pioneer West Texas doctor, Dr. L. W. Hollis, Sr., who established one of the first hospitals in that area; she was born on December 22, 1884, in Anson and moved to Abilene with her family as a small girl; Mrs. Hanks' grandfather, also a physician, was chief surgeon of Walker's 13th Texas Division in the Civil War, and his widow and Mrs. Hanks' grandmother, Mrs. Kate Hollis, was a prominent figure in early Abilene who managed a famous hotel built by the T&P Railroad at its first permanent station in that city; and

Whereas, Mrs. Hanks' early education was gained at Mrs. Bledsoe's Private School the first two years; then she became a student at the elementary department of Simmons College, now Hardin-Simmons University, and she continued there until she earned her degree in 1902; and

Whereas, Mrs. Hanks continued her interest in Hardin-Simmons University until her death, and she had served it as trustee, as had her husband before her; and

Whereas, Because of the strict rules of her father, Mrs. Hanks didn't have her first date until after she took her degree; it was with Bernard Hanks, the son of Abilene's Baptist pastor, and this romance became the lasting one of her life; and

Whereas, Eva May Hollis and Bernard Hanks were married on November 14, 1906, in a ceremony performed in the home of the bride's parents, with the groom's father, the Rev. R. T. Hanks, officiating; and

Whereas, As with many brides, marriage changed the direction of Mrs. Hanks' life from medicine to newspapering, an interest held by her husband since, as a lad, he had delivered The Abilene Reporter by pony; and

Whereas, Mr. Hanks became president and publisher of The Reporter News, and it was 43 years ago that he formed the association with Houston Harte which led to the Harte-Hanks newspaper enterprise; the first paper they bought together in 1924 was the old Lubbock Plains-Journal; and

Whereas, After Mr. Hanks' death, Mrs. Hanks carefully followed the precepts with which he had long directed The Reporter-News—the belief that a newspaper should be independent in its convictions, dedicated to serving the public interest, and should report all news objectively “without or with offense to friend or foe . . .”; and

Whereas, Mrs. Hanks' first fling at newspaper work came when, as a young wife, she was asked by her husband to add some “Society” news to the paper; after her husband's death, she carried on his determination that their newspaper contribute its leadership to Abilene's growth, and the physical plant was expanded and circulation increased as the Reporter-News sought to chart the way for development of the city and territory it served; and

Whereas, Among many of Mrs. Hanks' special interests over the years were the Young Women's Christian Association and the Red Cross, she was one of the founders and a member of the first board of the YWCA when it was established in 1920, and she was honored with a certificate of merit in 1963, when it celebrated its 43rd anniversary; and

Whereas, She was a longtime member and active worker in the First Baptist Church of Abilene, a member of the Abilene Woman's Club and the Country Club; and

Whereas, Both she and Mr. Hanks were avidly interested in horse racing; Mr. Hanks was a polo player and a horse breeder, and the Hanks frequently attended the Kentucky Derby; and

Whereas, The Senate of the 60th Legislature wishes to pay tribute to this outstanding Texas woman, Mrs. Bernard Hanks, whose broad interests and enthusiasm were dedicated to the service of her family, her fellow citizens, her state and her nation; now, therefore, be it

Resolved, That the Senate of the State of Texas, by this Resolution, recognize the great loss to this state by the death of Mrs. Barnard Hanks, and extend sincere sympathy to the members of her family—to her daughter, Mrs. Andrew B. (Patty) Shelton; her sister, Mrs. Marvin House; and her brother, Dr. Scott Hollis, all of Abilene; and her granddaughters, Mrs. Phil (Sharon) Nichols of Fort Worth, and Sindy and Scottie Ann Shelton of Abilene; and a great-granddaughter, Carol Christine Nichols of Fort Worth; and be it further

Resolved, That a copy of this Resolution be prepared for her daughter, and that when the Senate adjourns this day, it do so in memory of Mrs. Bernard Hanks.

HARDEMAN  
RATLIFF

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.